



COTTONWOOD HEIGHTS

PLANNING COMMISSION STAFF REPORT

APRIL 1, 2009



COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a **Regularly Scheduled Meeting** beginning at **7:00 p.m. on Wednesday, April 1, 2009**, in the Cottonwood Heights City Council Chamber located at 1265 East Fort Union Blvd., Suite 250 (work session) and Suite 300 (business meeting), Cottonwood Heights, Utah.

5:45 p.m. WORK SESSION (suite 250)

7:00 p.m. BUSINESS MEETING (suite 300)

1.0 **WELCOME/ACKNOWLEDGEMENTS** – Chairman

2.0 **CITIZEN COMMENTS**

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting)

3.0 **PUBLIC HEARINGS**

3.1 The Planning Commission will hold a public hearing and receive comments on a city proposal for a Trailhead site plan at 7721 South Timberline Drive and a temporary parking area at 7722 South Prospector Drive.

4.0 **ACTION ITEMS**

4.1 The Planning Commission will take action on a city proposal for a Trailhead site plan at 7721 South Timberline Drive and a temporary parking area at 7722 South Prospector Drive.

4.2 The Planning Commission will take action on an application to amend the Zoning Map. The applicant, Rodney A. Newman, is proposing to change the zoning designation of one parcel from RR-1-43 (Rural Residential) to RR-1-29 (Rural Residential). This property is located at 1726 East Siesta Drive and is 1.65 acres.

4.3 The Planning Commission will take action on an application to amend a conditional use permit for the St. Thomas More Catholic Church, located at 3015 East Creek Road. The applicant, David Fitzsimmons, is proposing to add a gymnasium, office space and classrooms to the existing church and school.

5.0 **DISCUSSION ITEMS**

5.1 The Planning Commission will receive a presentation on a city initiated Sensitive Land Overlay Zone amendment and a city initiated master plan proposal for the hillside and sensitive lands.

5.2 The Planning Commission will discuss lighting at Walgreen's and the Park Centre V traffic access to Fort Union Blvd.

6.0 **PLANNING DIRECTOR'S REPORT**

7.0 **APPROVAL OF MINUTES**

7.1 March 04, 2009

7.2 March 18, 2009

8.0 **ADJOURNMENT**

On Friday, March 27, 2009, at 2:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Planning Department. A copy was also faxed or emailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city internet website at www.cottonwoodheights.utah.gov


Morgan Brann Planner



Item 2 – CITIZEN COMMENT

Issue: _____

Comments:

Issue: _____

Comments:

Issue: _____

Comments:

Cottonwood Heights Planning Department
1265 East Fort Union Blvd. Ste. 250
Cottonwood Heights, UT 84047
Telephone 801-944-7000

Memorandum

To: Cottonwood Heights Planning Commission

From: Michael Black, Planning Director

Date: March 27, 2009

Subject: Report on Timberline Drive Trailhead – City Initiated

As you may be aware, the city of Cottonwood Heights (the “City”) in conjunction with Salt Lake County (the “County”) have purchased the property at 7721 S. Timberline Drive and 7755 S. Wasatch Blvd. The purchase was made with the County open space bond designated for the County wide preservation and creation of open space and parks. In addition, we are proposing to use Federal grant money to construct the trailhead so that it is accessible to people of all ability levels.

The proposed trailhead at 7721 S. Timberline Dr. qualified for funding with County open space bond resources due to the relationship it has with the larger property located at 7755 S. Wasatch Drive (previously known as the Wasatch Office project parcel) and their function together as a regional recreation facility. The City approached the County Council with the proposal to purchase these properties jointly in order to: (a) form a logical and practical access to the future Bonneville Shoreline Trail and Ferguson Canyon; (b) preserve lands that were otherwise slated for development; (c) improve an existing trailhead on Timberline Dr. which includes better management of trash, parking, etc.; and, (c) provide open space in an area of the County with very limited land remaining that is not already developed.

We are presenting a plan for the development of the Timberline Dr. phase of the trailhead project as well as a small temporary parking lot on the lower property at Prospector Drive to provide overflow parking. These plans have been reviewed once by the public in a meeting held by the City Council. Some concerns were raised at that meeting regarding the trailhead that this plan addresses. Those issues are listed below:

1. Overflow parking to prevent extra parking on Timberline Drive in front of residents. This is addressed by the overflow parking on the bottom lot.
2. Parking for emergency vehicles. The curb across the street from the trailhead will be marked red for emergency parking only.
3. Enforcement of dog laws. We will have the project patrolled routinely by our animal enforcement and will organize a citizen watch group to report problems. Signage on site will also address dog laws and site rules.

4. Maintenance of trailhead, including trash pick-up. We have a contract with the recreation district to maintain the site and empty trash cans, the same as other City owned properties.
5. Construction hours. We will limit the construction to the hours between 8:00 AM and 7:00 PM, but may want to modify those hours if construction is taking place in the heat of the summer (start at 7:00 AM).
6. Hours of operation. We will restrict the use of the area from dawn to dusk. Our PD will provide routine patrols.

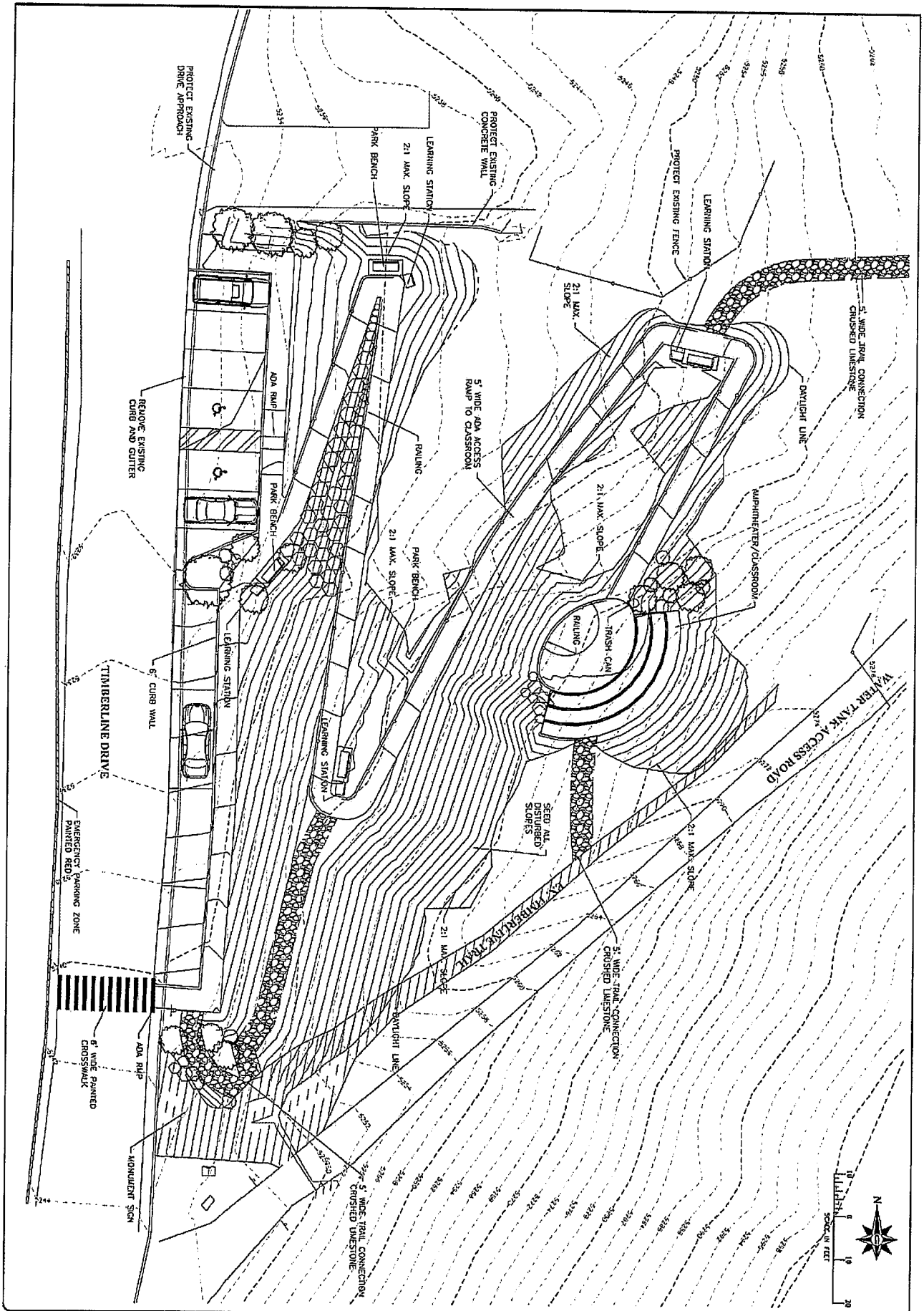
By way of an explanation, the site plan shows various amenities that are not always found at a trailhead. For instance, there is an outdoor classroom that sits high on the site to take advantage of a view of the valley and Big Cottonwood Canyon. This classroom will provide seating for up to 20 people while they learn about the geologic attributes of our mountain valley. The classroom also has a long winding paved trail that leads to it. This trail is an ADA (Americans with Disabilities Act) accessible route that will open the classroom up to all levels of disabled persons. This is a very important piece of the project as the majority of the development will be paid for by grants from the federal govt. aimed at making sites like this ADA accessible. To be very clear, the trailhead will be ADA accessible; however, beyond the classroom the trail will not be accessible to persons with disabilities.

The site plan shows that there are ten parking stalls for vehicles to park off of the street. Today, the trailhead is in use, but there is no off-street parking. This leads to a snarled traffic problem for the residents. The improvement of these parking stalls will likely alleviate that problem in conjunction with a plan to temporarily add an overflow parking lot at the bottom parcel (Prospector Drive) that will park up to 20 additional cars.

The site plan also shows individual kiosks with interpretive signs that will educate people on wildlife, geology, geography and the history of the area. Benches will be provided to people who wish to chill out on site before or after a good hike up Ferguson Canyon. A drinking fountain will be added to the site, trash cans and doggy pooh bags will also be provided. Lighting for the property is not necessary as it will be closed at dusk; however, Timberline Drive has no lighting at this time so the City has committed to added a street light at the site and two additional lights down the circle for the residents. The City will also plant various trees and plants, place boulders and add a trailhead sign with rules for the use of the site and the trail.

We, as the City, are very excited to present this plan to you as it has been such an effort to secure the funding for the Wasatch Blvd. and Timberline Dr. parcels. It is not an overstatement to say that without the County approving this comprehensive plan for both parcels of land, the properties would be developed into commercial and residential uses.

Please review the site plan. We will have a public hearing for this item on April 1, 2009. The plan will also be required to be approved by Salt Lake County, so we are trying to get the final plan to them as soon as possible. Because starting construction sooner rather than later will save the City money on construction (rates for construction today are nearly half what they were two years ago), and possibly allow for more improvements in public spaces City wide, we are scheduling the item for decision on April 1 as well. Technically, this item does not need to go through the site plan process with the planning commission, it could simply be approved by the City Council as a public works project; however, taking it through the planning commission is a good way to relay to the public the revised site plan and have another chance for public input.



OVERALL SITE PLAN
TIMBERLINE TRAILHEAD - TIER 2
COTTONWOOD HEIGHTS, UTAH

DATE: MARCH 2009	DESIGNED BY: JERRIL R. CHAVEZ
CHECKED BY: JERRIL R. CHAVEZ	APPROVED BY: JERRIL R. CHAVEZ

SCALE: 1" = 20' (SEE SHEET FOR ALL DIMENSIONS)

CONSULTING ENGINEERS AND ARCHITECTS

GILSON

1001 S. 1000 E. SUITE 100
COTTONWOOD HEIGHTS, UT 84304
PHONE: (435) 944-1111
FAX: (435) 944-1112



Item 4.2 Action Item: Zone Change Request – Newman Rezone

File Name: 09-007 Newman Zone Change Request
Application Received: January 26, 2009
Public Hearing Date: March 18, 2009
Action Meeting Date: April 1, 2009
County parcel Number: 2228452002
Location: 1726 E Siesta Drive
Development Area: 1.54 on 1 lots
Request: Zone change from RR-1-43 to RR-1-29
Owner/Applicant/Agent: Rodney A. Newman
Staff: Morgan Brim, Associate Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any zone change request application. This report provides preliminary information regarding the zoning of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: RR-1-43 (19.17), RR-1-29 (19.18), Amendments and Rezoning (19.90) and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting a zone change on one parcel from the rural residential one acre minimum RR-1-43 to the rural residential two thirds minimum RR-1-29 zone. The applicant wishes to subdivide the properties into two lots. The applicant wishes to have the zone changed to accommodate the desired subdivision.

Neighborhood/Public Position on the Request

The Planning Commission held a Public Hearing on this issue on March 18, 2009. Three residents spoke in opposition to this zone change and the applicant spoke in favor of it. A report will be given at the time of the meeting to further update the commission of any other concerns that may have been received. The public hearing was noticed as City code requires. A written notice was mailed to all property owners within 1000 feet of the applicant's property at least 10 days prior to the public hearing.

Staff Observations and Position on the Request

Staff has made the following observations:

Application

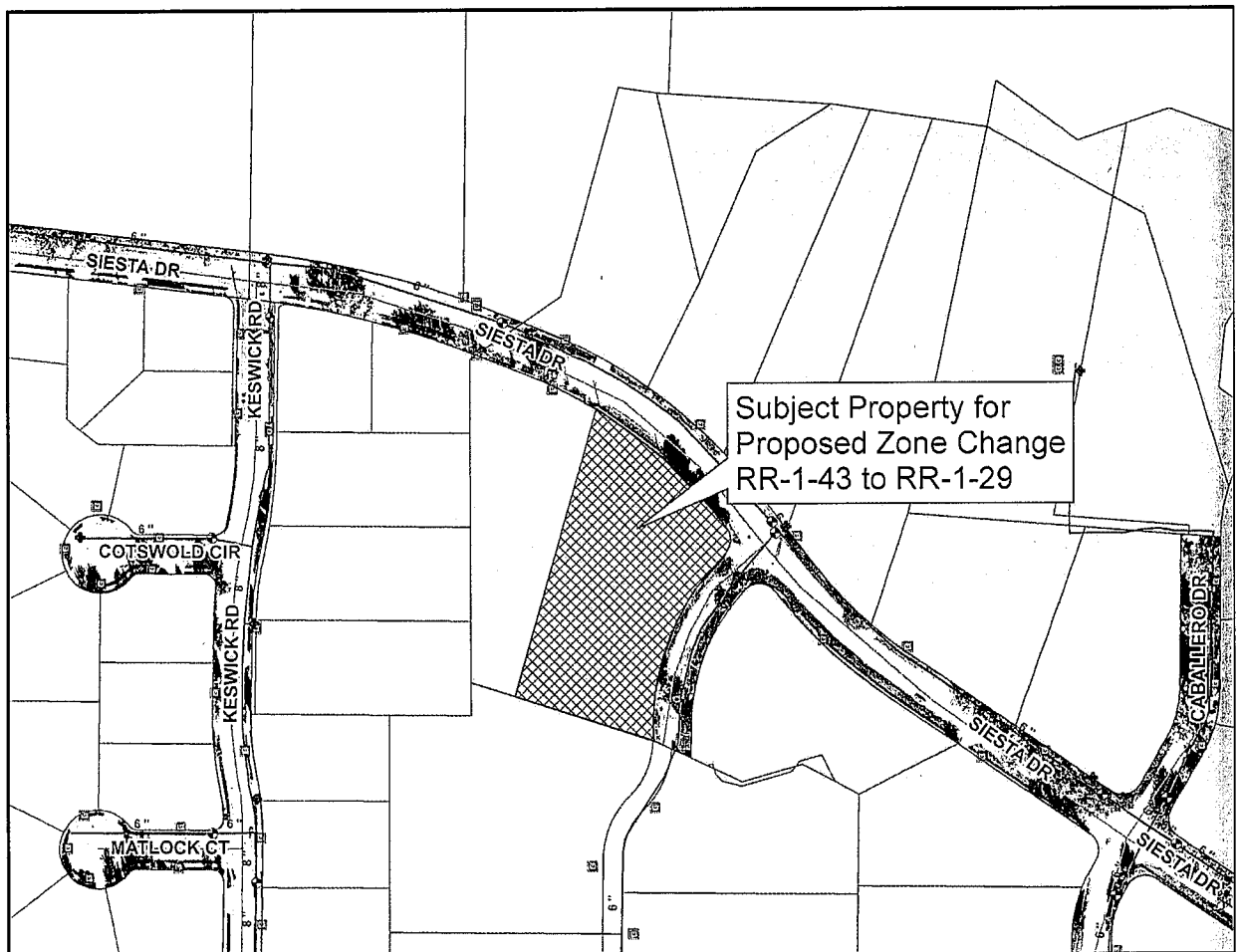
The applicant has submitted a complete application and paid the applicable fees.

Site Layout

The property is located on the southwest corner of Siesta Drive and Pheasant Wood Drive. This property is 1.54 Acres (67,082.4 square feet) in size. The dimensions of this parcel range from 380 feet at its greatest depth and 220 feet at its great width.

Zoning

The zoning of the properties is currently the rural residential one acre minimum RR-1-43 zone. The applicant is requesting a change to the two thirds acre minimum RR-1-29. Based on the minimum lot size for each zone, the applicant would be able to subdivide the property to create up to two lots with the proposed zone change. Staff does not feel that two two-third acre lots are appropriate for the area. The adjacent property to the south and west are zoned as RR-1-43. The property to the north across Siesta Drive and east across Pheasant Wood Drive are also zoned RR-1-43. All of the properties in this neighborhood are zoned for one acre (RR-1-43) lots.



Zone Transition

Staff feels that changing the zone of this parcel to RR-1-29 would not correlate well with the surrounding land uses. This parcel is located in the interior of an existing one acre minimum lot size neighborhood. If this parcel was located on the exterior of this neighborhood and abutted an equal or denser zone then it could function as a transition zone, but as it is proposed, staff feels that it is a wrong decision and is recommending denial.

General Plan

The definition of the rural residential land use designation under the current Cottonwood Heights general plan includes both RR-1-29 and RR-1-43. The requested zone change is appropriate under the definitions of the general plan. However, staff feels that there are other significant factors that should be considered with this zone change request and that those factors would present a possible detriment to the character and consistency of the surrounding neighborhood.

Potential Future Uses

The applicant wishes to subdivide the property, if the zone change is approved, and create two two-third acre minimum lots. If the request is not approved, the applicant may acquire more property to create two one acre parcels.

Recommendation

Based on the above information staff is recommending **denial** of this zone change.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing zone changes in the city of Cottonwood Heights:

Zoning – RR-1-29: Chapter 19.18

Zoning – RR-1-43: Chapter 19.17

Amendments and Rezoning: Chapter 19.90

Cottonwood Heights General Plan Land Use Map

Staff Contact:

Morgan Brim Associate Planner

Telephone: 944-7065

E-mail mbrim@cottonwoodheights.utah.gov

List of Attachments:

1. Map of Property
2. Public Notice



1726 E. Siesta Dr.
Applicant is requesting to
rezone property from
RR-1-43 to RR-1-29
(Rural Residential)

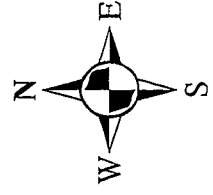
Legend

Neighbor Cities

City

- Holladay
- Midvale
- Murray
- Sandy

City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047
(801) 944-7065



Published:
February 04, 2009





COTTONWOOD HEIGHTS
NOTICE OF PUBLIC HEARING
ON A PROPOSED ZONE CHANGE

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission on March 18, 2009, to receive public comment on a request by Rodney A. Newman to rezone approximately 1.65 acres of property located at 1726 E. Siesta Drive, Cottonwood Heights, Utah, from RR-1-43 (Rural Residential) to RR-1-29 (Rural Residential). The proposed zoning would allow for one additional lot.

The hearing will be held at Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, at 7:00 p.m. or as soon thereafter as the matter can be heard. Inquiries should be directed to Morgan Brim at 944-7065.

Attest: Linda Dunlavy
City Recorder



Agenda Item 4.3 Action Item - Conditional Use Amendment - Staff Report – St. Thomas More (3015 East Creek Road)

File Name:	St. Thomas More
Application Received:	January 06, 2009
Public Hearing Date:	March 18, 2009
Action Meeting Date:	April 1, 2009
Parcel Number:	2235176017 and 2235176010
Location:	3015 E. Creek Road
Development Area:	7.36 Acres
Request:	Conditional Use Permit Amendment
Owner/Applicant:	Roman Catholic Diocese of Salt Lake
Agent:	David R. Fitzsimmons, AIA
Staff:	Morgan Brim, Planner

Purpose of Staff Report

The conditional use ordinance adopted by the city of Cottonwood Heights (the “City”) requires City staff to prepare a written report of findings concerning any conditional use application. This report provides information considered to be preliminary regarding the development of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the R-1-8 Single Family Residential Zoning Ordinance (chapter 19.26), Off-Street Parking Ordinance (19.80), Signs Ordinance (19.82) and the Conditional Use Ordinance (chapter 19.84).

Pertinent Issues Regarding this Development Application

Applicant’s Request

The applicant is requesting a conditional use permit amendment for the addition of a gymnasium, office space and classrooms to an existing school and church.

Neighborhood/Public Position on the Request

The Planning Commission heard public comment on this application on March 18, 2009. Staff will update the Commission if any further comments are received. Property owners within 500 feet of this property were mailed a notice with a project description, meeting time and location.

Staff Observations and Position on the Request

Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, has shown reasonable diligence in processing the application.

Site Layout

The site is laid out in two separate adjacent parcels located on the north side of Creek Road. The applicant is proposing to consolidate the two parcels into one larger parcel. The dimensions of this parcel will range from 820 feet at its greatest width and 620 feet at its greatest depth. The coverage restriction for all buildings in this zone is 50%. The total site area is 327,195 square feet and existing structures cover 29,198 square feet about 8.9% of the total area. The applicant is proposing an additional 22,814 square feet of building coverage. The total of proposed and existing structure coverage would equal 52,012 square feet, about 15.8% of the combined parcels.

LAND USE TABLE	
TOTAL AREA	327,195 SQ. FT.
TOTAL EX. BUILDINGS	29,198 SQ. FT.
EX. MULTIPURPOSE	15,509 SQ. FT.
EX. RESIDENTIAL	3,494 SQ. FT.
EX. CHURCH	10,195 SQ. FT.
TOTAL PROP. BUILDING	22,814 SQ. FT.
TOTAL IMPERVIOUS	120,843 SQ. FT.
EX. IMPERVIOUS	82,751 SQ. FT.
PROP. IMPERVIOUS	38,092 SQ. FT.
TOTAL LANDSCAPE	154,340 SQ. FT.
EX. LANDSCAPE	139,295 SQ. FT.
PROP. LANDSCAPE	15,045 SQ. FT.
TOTAL PARKING STALLS	196 (10 ADA)
EX. PARKING STALLS	130 (6 ADA)
PROP. PARKING STALLS	66 (4 ADA)

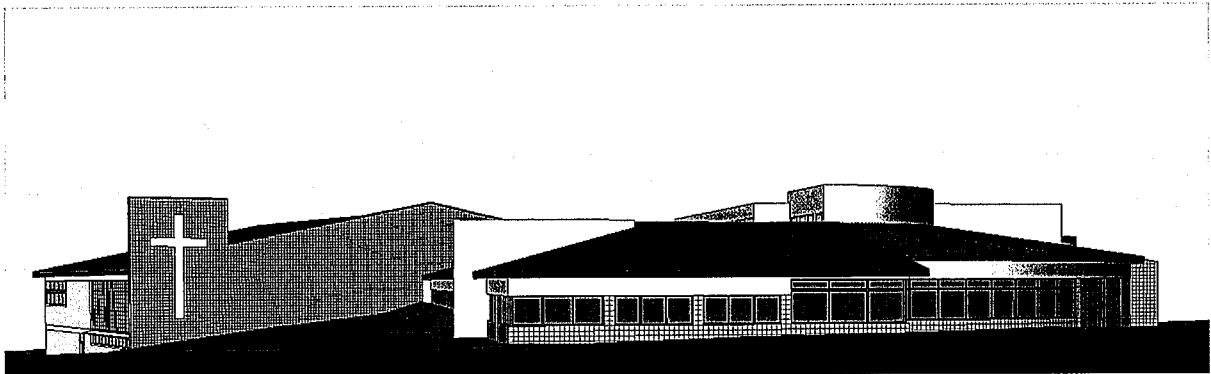
The applicant is proposing a total of 120,843 square feet of impervious surfaces, about 36.9% of the total area. Impervious surfaces include sidewalks, driveway, parking areas, all building footprints and exterior gathering areas. In total there is 154,340 square feet of existing and proposed landscaping, about 47.1% of the entire area.

The site is bordered on the north by two residential properties and a 1.66 acre parcel of open space. To the west, the property abuts the LDS Church and to the east by two residential properties. On the south the property abuts Creek Road. Directly across Creek Road to the south is located Finlandia residential subdivision. All of the surrounding property, including the project parcel, are zoned R-1-8 (Single Family Residential).

Landscaping and Screening/Fencing

The proposed landscape plan with 47.1% landscaping coverage meets the requirements of the City's R-1-8 zone of 20% coverage.

Landscaping in this plan is accomplished via the addition of new trees, shrubs, grass and other seed mixes as well as other decorative elements such as accent boulders. Seven large existing trees will be preserved along the west property line. Staff is recommending that the applicants enhance the amount of landscaping along the exterior west wall of the proposed gymnasium. In the (southeast) elevation below, the area staff is requiring additional landscaping is along the brick wall with the cross. The Landscape Plan is attached; however it will need to be modified to meet the conditions of approval.



No new fencing is being proposed for this project. An existing fence around the north and west property lines of the proposed addition will be removed. Staff is not recommending a new fence to replace the old fence. Keeping this area unfenced helps to connect the two church properties and preserves the openness between them.

Trash will be enclosed by a six foot high split face concrete masonry structure and is located on the west property line just north of the proposed gymnasium. The trash enclosure is required to be constructed with steel gates for maintenance purposes.

Architecture

The architecture review commission reviewed this application on 2/24/2009. Their only recommendation was that the developers break up the wall on the southeast elevation with the use of different materials, or by bumping the face of the wall containing the cross out four or five inches. Elevations given to staff reflect the city's aspiration for quality architecture throughout the city. Height, bulk, and siting of the structures are in line with city requirements. Materials for the building are CMU split face block on the exterior walls with pre-cast shading binding and smooth standing seam metal for the roof.

Lighting

The lighting plan provided is consistent with city requirements for creating appropriate lighting within the development and shielding neighboring properties from light spillover. 15 exterior pole mounted lights are proposed for the west and north sides of the new parking lot of the gymnasium addition. The plans indicate that all pedestrian pathways will be lighted as required by the City. All lighting is required to be full cut off and is not allowed to spill over into adjacent residential parcels. Staff is requiring the addition of one City Standard Street Light located on the frontage of Creek Road adjacent to the project's location.

Parking

The applicant is proposing an additional parking lot to the north and west sides of the proposed gymnasium addition. City code requires at least a ten foot buffer between the sidewalk and the parking area. The applicants meet this requirement with a proposed 25 foot wide landscaped buffer. City code also requires that every tenth parking stall be landscaped with at least one tree. Plans indicate over nine proposed landscaped islands, which meet the minimum requirement of six landscaped islands.

Currently there are 130 (six ADA) parking stalls and the applicant is proposing an additional 66 (four ADA) parking stalls. This project meets the I.T.E. parking standards with a total of 196 (10 ADA) parking stalls.

Traffic and Traffic Access

There are two full access points already serving this property. The applicant is proposing moving the access point to the west end of the added parcel. This access connects to a driveway that extends along the west side of the proposed gymnasium and then turns west on the northern side. It then connects into the existing northern parking lot and driveway.

A drop off lane is proposed for the driveway that is located north of the existing school. Staff is requiring a concrete walkway that is either stamped or painted to extend from the existing northern parking lot to the existing school. Curb cuts through the existing parking median and the dedication of one parking stall to access the pathway will be required on the north side. On the south side of the

pathway an accessible ramp will be required for a sidewalk connection. All elements of this pathway must be shown clearly before final approval.

In order to provide greater safety and connectivity to pedestrians a mid-block crossing with a refuge island connecting the south and north sides of the Creek Road will be required. The City views this crossing as an opportunity to calm traffic on this portion of Creek Road and is willing to participate in the construction of the walkway. To determine the most logical location of this crossing the City Engineer has conducted a crosswalk placement analysis and will present his findings to the planning commission during the work-session.

Signage

There are no new signs proposed for this project. The Church currently has a monument sign. There is a proposed cross that will be recessed into the west exterior wall of the proposed gymnasium addition.

Zoning

The zoning for the subject property is R-1-8 (Single Family Residential). Section 19.26.030 lists Churches as a conditional use.

Recommendation

Based upon the information above, staff is recommending that the planning commission approve the conditional use with the following conditions:

Proposed Conditions for the applicant's request for conditional use:

Planning:

1. All construction shall take place in accordance with the approved plans for this development. Any changes to the plans will be required to receive the appropriate approvals.
2. All landscaping in the development shall be completed before final certificate of occupancy is granted (19.80.080(G)).
3. All pedestrian walkways shall be lighted (19.80.090(3)).
4. All lights in the development shall be full-cut off (19.80.090(4)).
5. No new tree in the development shall be less than two inch caliper at the time of planting.
6. Before any grading or demolition staff must inspect that trees identified for preservation are clearly marked.
7. Construction for the project shall be limited to the hours between 7:00 AM and 8:00 PM daily to preserve the integrity of the adjacent neighborhoods.
8. Before any building permits shall be approved a construction mitigation plan complete with a SWPPP must be approved by staff.
9. The landscaping must be enhanced on the west side of the proposed gymnasium. This will need to be shown in the plans before final approval.
10. The use of the property be limited to church and school related uses.
11. Street lighting will be provided by the developer along Creek Road, using the City's standard street lights.
12. All trash enclosures are required to be constructed with architecturally compatible materials as the existing structures and must have steel gates for maintenance purposes.
13. All mechanical equipment mounted on the ground or roof must be screened from the public view.

14. The maximum height of all structures be limited to 35 feet, measured from the historical grade. Before any building permit will be issued the developer must submit building elevations with the historical grades clearly and accurately shown.
15. The existing fence located to the west and north of the proposed gymnasium must be removed.
16. The applicant must provide a legal description and an exhibit drawing showing the following:
 - a. The consolidation of existing parcels into one parcel.
 - b. Any dedication of land to Cottonwood Heights City.
17. The Developer shall provide two concrete pedestrian pathways:
 - a. A stamped or painted pathway connecting the northern parking lot to the existing school building. The parking median to the north shall be saw cut and one adjacent parking space shall be dedicated for access. An accessible ramp shall be installed on the southern end of the pathway to connect into the sidewalk system.
 - b. A stamped and painted mid-block crossing with a landscaped refuge island must be installed to connect the south and north sides of Creek Road. The location will be determined by the City Engineer.
18. The developer is responsible to provide the City with a bond cost estimate for all of the following that are stated in Plans and as required by the Planning Commission:
 - a. All sidewalk improvements.
 - b. All required streetlights.
 - c. The required stamped or painted pathway connecting the northern parking lot to the existing school building, required saw cuts, and accessible ramp.
 - d. The required stamped and painted mid-block crossing with a landscaped refuge island to connect the south and north sides of Creek Road.
 - e. All required landscaping and buffering.
 - f. All UFA required knox lock boxes, locking caps, additional fire hydrants with connections and fire lane signage.
 - g. All inlet boxes and catch basins.

Fire Department:

The fire official has reviewed the plans and has the following comments:

1. There must be a total of three fire hydrants spaced as stated on plans.
2. Fire flow will be determined based on overall building size.
3. If fire area is greater than 20,000 square feet or occupant load is 300 or more, an automatic fire sprinkler system is required.
4. Automatic fire sprinkler plans must be submitted to Boyd Johnson at UFA.
5. The access road must be designed and maintained to support the imposed loads of emergency apparatus. The access road shall have an inside turning radius of 28 feet and a maximum grade of 10%.

ARC:

1. That the developers break up the wall on the southeast elevation with the use of different materials, or by bumping the face of the wall containing the cross out four or five inches.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

19.26 – R-1-8 Single Family Residential
19.80 – Off-street parking requirements
19.82 – Signs
19.84 – Conditional Uses

Staff Contact:

Morgan Brim – Planner

Phone: 944-7065

Fax: 944-7005

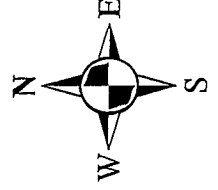
Email: mbrim@cottonwoodheights.utah.gov

List of Attachments: **Map of the Property**
 Site plan
 Architectural plans
 Landscape plans

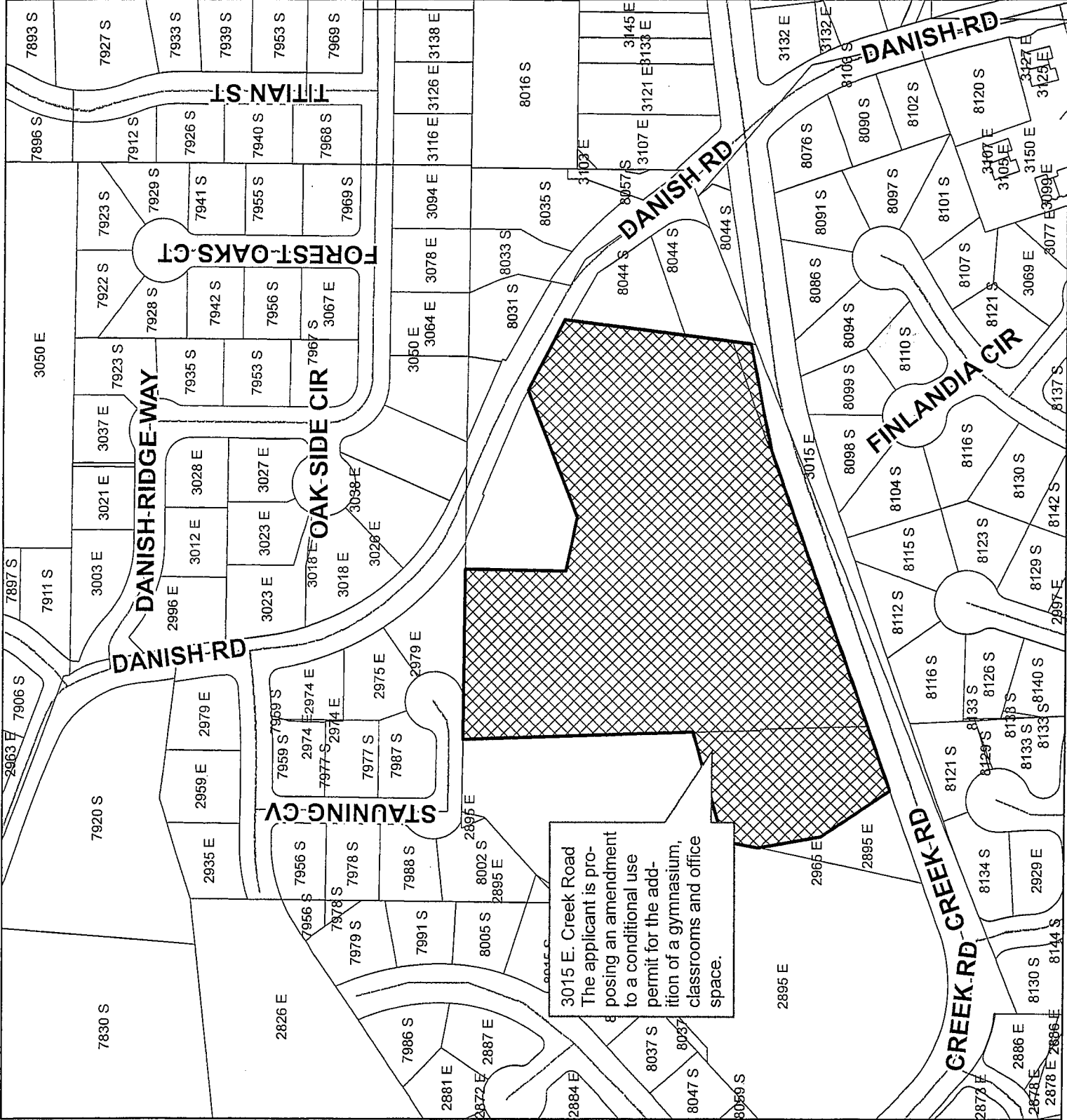


3015 E. Creek Road
The applicant is proposing an amendment to a conditional use permit for the addition of a gymnasium, classrooms and office space.

City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047
(801) 944-7065



Published:
March 02, 2009





COTTONWOOD HEIGHTS
NOTICE OF PUBLIC HEARING
ON A PROPOSED CONDITIONAL
USE AMENDMENT

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission on March 18, 2009, to receive public comment on a request by David R. Fitzsimmons to amend a conditional use permit for the St. Thomas More Catholic Church located at 3015 E. Creek Road, Cottonwood Heights, Utah. The applicant is proposing to add a gymnasium, classrooms and office space. This property is approximately 7.36 acres in size.

The hearing will be held at Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, at 7:00 p.m. or as soon thereafter as the matter can be heard. Inquiries should be directed to Morgan Brim at 944-7065.

Attest: Linda Dunlavy
City Recorder

CLIENT



ST. THOMAS MORE

300 WEST 10TH AVENUE
DENVER, CO 80202

DESIGNER

ARCHIPELX
GROUP

ARCHITECTURE • PLANNING • INTERIORS
LANDSCAPE ARCHITECTURE • ENVIRONMENTAL DESIGN
ARTISTS • PHOTOGRAPHERS

CONSULTANTS

REGISTRATION

NOT FOR
CONSTRUCTION

ISSUE

MARK

DATE

DESCRIPTION

PROJECT NO.

DRAWN BY:

CHECKED BY:

SCALE:

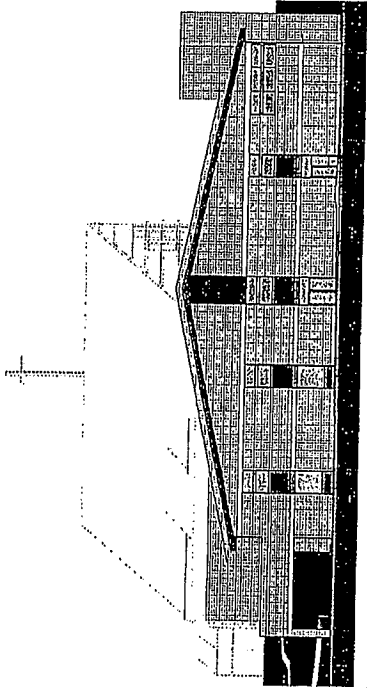
DATE:

KEY PLAN

SHEET TITLE

COLOR
ELEVATIONS

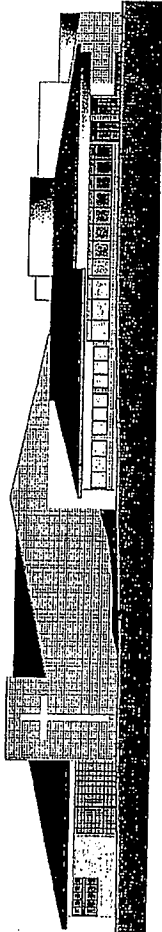
OTHER INFORMATION ONLY



D1 | WEST EXTERIOR ELEVATION

SCALE: NOT TO SCALE

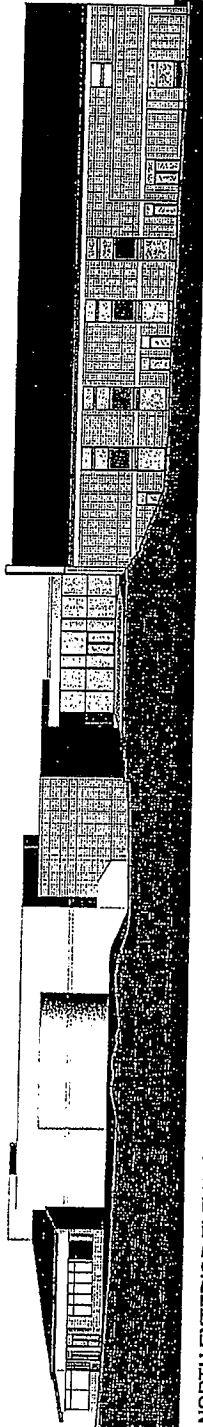
RE: A201



C1 | EAST ELEVATION

SCALE: NOT TO SCALE

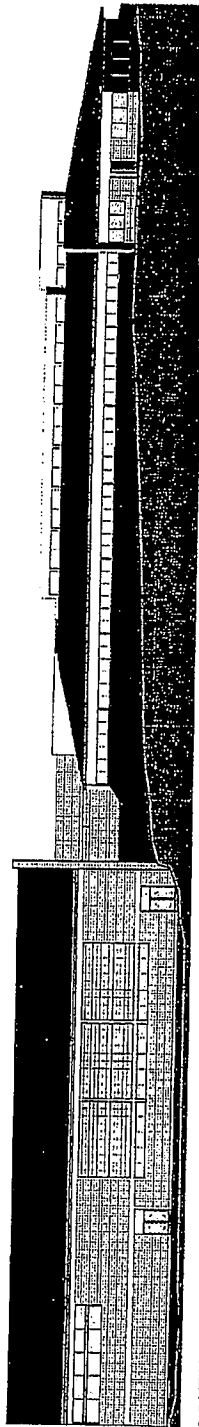
RE: A201



B1 | NORTH EXTERIOR ELEVATION

SCALE: NOT TO SCALE


RE: A201

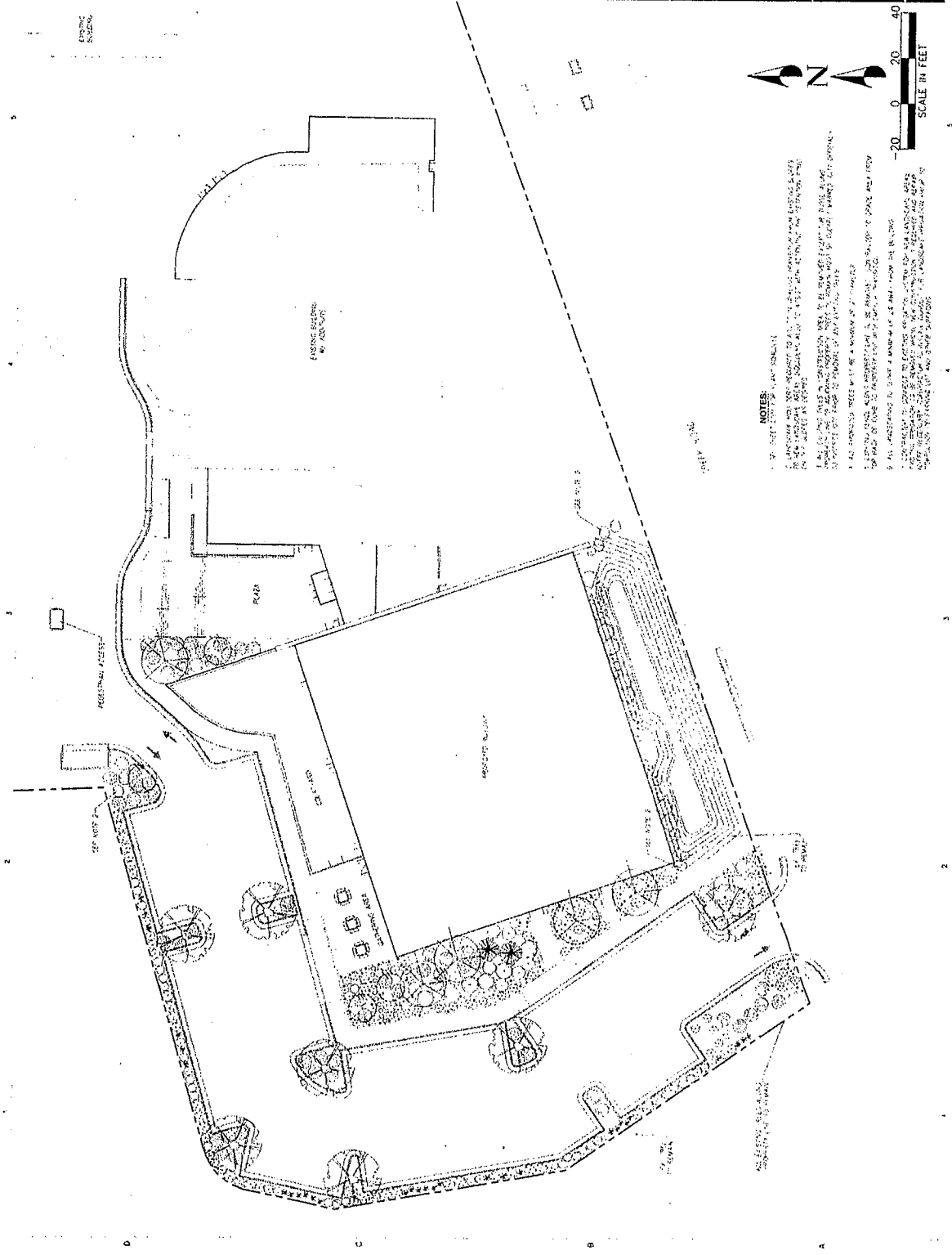


A1 | SOUTH EXTERIOR ELEVATION

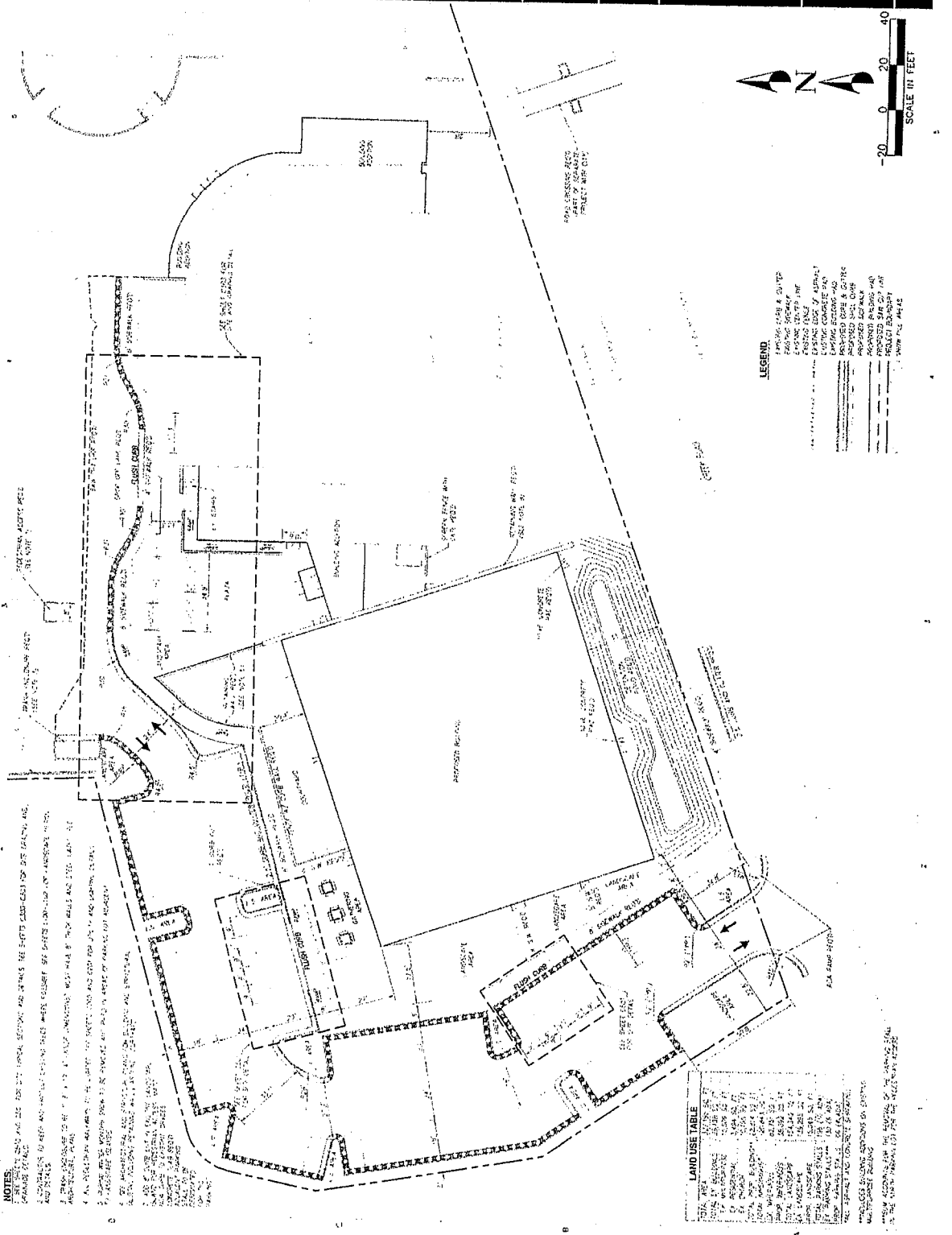
SCALE: NOT TO SCALE

RE: A201

CLIENT		ST. THOMAS MORE SCHOOL	
DESIGNER		ARCHIPLEX GROUP	
CONSULTANTS		PIERG ENGINEERING, L.L.C. P.O. BOX 100000 MEMPHIS, TN 38101-0000	
REGISTRATION			
ISSUE			
MAX. DATE	REVISION		
PROJECT NO.	65020310		
CREATED BY	AS		
CHECKED BY	AS		
SCALE	1"=20'		
DATE	MARCH 5, 2009		
KEY PLAN			
SHEET TITLE		LANDSCAPE PLAN	
		L100	
		© 2009 ARCHIPLEX GROUP	



CLIENT	ST. THOMAS MORE EDUCATION BAPTIST CHURCH
DESIGNER	ARCHIPLEX GROUP
CONSULTANTS	PEPG ENGINEERING, LLC 1000 N. 10TH ST. SUITE 100 DENVER, CO 80202
REGISTRATION	
REVISION	
MARK DATE DESCRIPTION	PROJECT NO. 14000810 DRAWN BY: KJR CHECKED BY: KJR SCALE: 1"=20' DATE: MARCH 3, 2009 SHEET PLAN
SHEET TITLE	ENLARGED SITE PLAN
C101	
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NOTES:

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LAND USE TABLE

LAND USE	AREA (SQ. FT.)	PERCENTAGE
TOTAL LAND	1,000,000	100%
RESIDENTIAL	500,000	50%
COMMERCIAL	250,000	25%
INDUSTRIAL	150,000	15%
RECREATION	100,000	10%
AGRICULTURE	50,000	5%
UNDEVELOPED	50,000	5%

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**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

Wednesday, March 4, 2009

7:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

10 **ATTENDANCE**

11
12 **Planning Commission Members:**

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 J. Thomas Bowen
17 JoAnn Frost
18 Bradley Jorgensen
19 Amy Rosevear

11
12 **City Staff:**

13
14 Michael Black, Planning Director
15 Morgan Brim, Planning Technician
16 Brad Gilson, City Engineer

20
21 **BUSINESS MEETING**

22
23 **1. WELCOME/ACKNOWLEDGEMENTS**

24
25 Chairman Gordon Nicholl called the meeting to order at 7:05 p.m. Procedural issues were
26 reviewed. He stressed the importance of public input to the Planning Commission.

27
28 **2. CITIZEN COMMENTS**

29
30 There were no citizen comments.

31
32 **3. PUBLIC HEARINGS**

33 **3.1 The Planning Commission will hold a public hearing to receive comments and take**
34 **action on a request by Dan Nixon for a conditional use permit for a mixed-use**
35 **development containing self-storage, office, and retail uses. This property is located**
36 **at 6723 South 1300 East, Zoned MU.**

37
38 (19:08:10) Chair Nicholl stated that agenda items 3.1 and 4.1 would be combined. The
39 applicant, Jim Kane, gave a synopsis of the project and stated that it has proceeded through
40 various stages within the City, including a rezone, which included several public hearings.
41 Under the conditional use ordinance, a conditional use shall be granted if reasonable conditions
42 can be imposed to mitigate any reasonably anticipated effects of the proposed use. The standards
43 and findings of fact relative to the standards were contained in the staff report. Mr. Kane was
44 aware of one letter of opposition received on November 17, 2008 that addressed several issues
45 within the standards.

46
47 Mr. Kane referred to Section B and stated that the use will not be detrimental to the health,
48 safety, comfort, order, or general welfare of persons residing or working in the vicinity. To

1 provide assurance to the community, the developers would limit and control access to the
2 property at all hours. He noted that for many uses allowed in MU or the prior NC zoning, the
3 proposed use imposes greater restrictions and better protections for the neighborhood.

4
5 Mr. Kane reported that self-storage and the related retail use create very infrequent customer
6 trips and noise. He stated that the use generates less traffic on a daily basis than a public park or
7 playground and is equal to the traffic generated from the combination of four single-family
8 homes. Mr. Kane reported that similar facilities have a very low incidence of crime and he noted
9 that the police department has no record of crimes of any serious nature being committed in self-
10 storage centers in the County. He stated that lighting will be contained within the property lines
11 and substantial setbacks were established to protect the residential neighbors. The project itself
12 will serve as a noise buffer between the residential neighborhood and 1300 East. Three
13 individuals within the company who each have 25 years' experience would manage the facility.

14
15 (19:12:15) With regard to internal circulation, Mr. Kane stated that there will be one-way traffic
16 designed around the building. The heavy retail use and parking will be located in front. The
17 portions bordering the residential area will generate very low traffic. The applicants agreed to
18 the City Traffic Engineer's controls on ingress and egress on 1300 East, including shared access
19 to the property on the south when it is redeveloped.

20
21 Section K addressed appropriate buffering to protect neighboring land uses from light, noise, and
22 visual impacts. The proposed lot coverage was 40% with 65% being the maximum permitted.
23 The third floor setback was changed to be double what is required at the request of the
24 neighborhood. The first and second floor setbacks also exceed the requirements of the
25 ordinance. Mr. Kane stated that they agreed to an eight-foot fence where the property borders
26 the residential area. The applicants also modified the upper-floor windows to prevent people
27 inside the building from seeing into the backyards of adjoining residences.

28
29 Mr. Kane indicated that their lighting plan conforms to the City requirements and was adjusted in
30 response to requests received. Only four lights will be visible from the south, north, and 1300
31 East elevations. Everything facing the residential areas will be under canopies. He noted that
32 the architecture, building materials, and design requirements were modified as well. A meeting
33 was held with the neighbors where building material alternatives were presented. The applicants
34 met with the Architectural Review Committee on multiple occasions and demonstrated a
35 willingness to change the design and look of the building to something acceptable to the City, the
36 neighbors, and the applicants. Mr. Kane indicated that retail storefronts were added across the
37 front of the project.

38
39 (19:15:36) Mr. Kane reported that optional landscape strips were added. In addition, they
40 adjusted the vegetation and trees to be planted along either side. Neighbors submitted concerns
41 in writing and the applicants were open to potential modifications. More landscaping was
42 provided than required by ordinance, existing trees were preserved, and a dedicated bike path
43 was proposed across the front of the property. Various elevations of the building were shown. A
44 list of meetings held since the beginning of the rezone process was referred to. Mr. Kane stated
45 that great efforts were made on their part to cooperate with the neighbors.

46
47 (19:19:27) Planning Technician, Morgan Brim, presented the staff report and stated that the
48 proposed parcel is 1.64 acres in size. The surrounding uses were described. He stated that the

1 City has asked for dedication of a strip of property for a four-foot bike lane that will hopefully
2 extend throughout the City. The dedication will include extra property to widen the existing
3 sidewalk. A walking path was also requested from the sidewalk to the south building. He noted
4 that two buildings were proposed. The larger one will house the primary self-storage and the
5 secondary retail use. The second building will be approximately 2,600 square feet in size and
6 consist of retail. The second walkway will connect the front of both buildings and be ADA
7 accessible. Mr. Brim reported that the applicant is also proposing a driveway that will go around
8 the building and connect to the front driveway. Two lift gates were proposed for security and to
9 screen the external roll up doors on the main floor from the public way. The main building will
10 be approximately 100,000 square feet in size spread over four floors. One floor will be a
11 basement level with three above grade floors. The building will be restricted to 35 feet in height.
12 The applicants proposed stepping back the third floor an additional 25 feet. Staff recommended
13 an eight-foot wall or fence separate the project from the residential uses.

14
15 (19:23:50) Mr. Brim displayed the floor plans of both buildings. He indicated that the two retail
16 spaces together equate to 17% of the ground floor. The MU Zone requires 1,500 square feet or
17 10% of the main floor of a self-storage unit be a secondary use and unrelated to self-storage.
18 The landscaping plan was displayed. Mr. Brim stated that the applicants are accomplishing their
19 landscaping plan through the use of different grasses, bushes, flowers, and trees. At the request
20 of staff, the applicants proposed to preserve a large pine tree on the site as well as a second tree
21 on the rear property line. Staff determined the landscaping plan to be in conformance.

22
23 Proposed building materials were presented. Modifications made to the rear upper windows
24 were described. Mr. Brim stated that the windows will allow light in but block the view from
25 inside the building out. The lighting plan was reviewed. Mr. Brim stated that four lights will be
26 visible from the public way on the sides of the buildings. One light was proposed along the
27 front. All other lighting will be full cutoff and placed under a canopy or awning. Staff
28 recommended approval subject to the conditions set forth in the staff report. Mr. Brim reviewed
29 the fire official's comments enumerated in the staff report.

30
31 In response to a question raised, Mr. Brim stated that a garbage collection area was identified on
32 the site plan. He explained that the Code requires trash collection sites to be no less than 50 feet
33 from the nearest residential property. The trash collection area was to consist of an eight-foot
34 concrete wall with a metal roof and steel gate and fit in with the overall architectural style of the
35 project.

36
37 (19:34:28) Chair Nicholl stated that the Commission received and reviewed numerous letters
38 from citizens about the proposed project. He opened the public hearing.

39
40 Dirk Hooiman gave his address as 6734 Hollowdale Drive, adjacent to the proposed location.
41 He submitted numerous letters to the City and stated that he asked Dan Nixon for the rendering
42 showing how the building will look along the fence line. He approached the remaining four
43 neighbors and asked their opinion. Each decided, with the exception of Jerri Harwell, on an
44 eight-foot fence. All signed off on the rendering and concerns were noted. Mr. Hooiman
45 indicated that he spoke with Mr. Nixon earlier in the day to make sure that the concerns of the
46 neighborhood were addressed and on record. Three other neighbors asked Mr. Hooiman to
47 speak on their behalf.

1 (19:37:18) Jerri Harwell gave her address as 6720 Hollowdale Drive. She had been opposed to
2 the project from the beginning and did not want to see a "dump for junk" in her backyard.
3 Initially, some neighbors asked her to be their spokesperson. She assured them that she would
4 have no more influence with the Planning Commission than any other neighbor. They still asked
5 that she speak for them. Mrs. Harwell reported that following one of the first meetings with the
6 Planning Commission, three homes immediately went up for sale. She attended a neighborhood
7 meeting and later a work meeting with the Planning Commission where there were questions
8 about a letter she had written. Despite her presence she was not acknowledged or asked to
9 comment. Moments later the Commission asked the developer to respond to a question about
10 security. She felt discriminated against and disrespected and was concerned that the City favors
11 developers. In addition, Mrs. Harwell stated that she never received an email informing her of
12 the time of tonight's meeting although the Hooimans did. With regard to the eight-foot fence,
13 she stated that there is a reason for not allowing storage sheds against a property line. The result
14 would be to look up at a block wall. Previously she did not express whether she was in favor or
15 opposed to the six or eight-foot fence and wanted to give it more thought. She did not want to
16 look at an eight-foot wall in her backyard and thought a six-foot fence would be sufficient.
17 Mrs. Harwell expressed opposition to the project but after speaking with the Smiths determined
18 it to be a matter of money. She hoped the Smiths would gain financially from the project.

19
20 There were no further public comments. The public hearing was closed.

21
22 (19:41:28) *Commissioner Rosevear moved that the Planning Commission approve a*
23 *conditional use permit for Cubes Self-Storage at 6723 South 1300 East subject to the*
24 *following conditions:*

- 25
26 1. *All construction shall take place in accordance with the approved plans for this*
27 *development. Any changes to the plans will be required to receive the appropriate*
28 *approvals.*
- 29
30 2. *All landscaping in the development shall be completed before final certificate of*
31 *occupancy is granted (19.80.080(G)).*
- 32
33 3. *All pedestrian walkways shall be lighted (19.80.090(3)).*
- 34
35 4. *All lights in the development shall be full-cut off (19.80.090(4)).*
- 36
37 5. *Developer shall provide stamped and colored walkways as indicated in plans.*
- 38
39 6. *Trees to be preserved will be marked before any grading or demolition.*
- 40
41 7. *No new tree in the development shall be less than two-inch caliper at the time of*
42 *planting.*
- 43
44 8. *Construction for the project shall be limited to the hours between 7:00 a.m. and 8:00*
45 *p.m. daily to preserve the integrity of the adjacent neighborhoods.*
- 46
47 9. *Before any building permits shall be approved, a construction mitigation plan complete*
48 *with a SWPPP must be approved by staff.*

- 1
2 10. *The use of the property shall be limited to self-storage, office, business, and/or*
3 *professional, medical, optical or dental offices or laboratories, and general retail.*
4
5 11. *Street lighting will be provided by developer along city streets as indicated in the plans,*
6 *using the City's standard gateway streetlights spaced at 200-foot intervals.*
7
8 12. *A bond shall be placed for all landscaping, screening, and fencing requirements as*
9 *well as all public improvements before a final approval and building are granted.*
10
11 13. *A dedication plat showing the following shall be required before a certificate of*
12 *occupancy is granted:*
13
14 a. *The dedication of right-of-way for the required four-foot bike lane and six-foot*
15 *sidewalk;*
16
17 b. *The shared access point and cross access agreement for the property*
18 *immediately to the south of this project; and*
19
20 c. *The three lots shall be consolidated into one lot.*
21
22 14. *All mechanical equipment, roof and ground mounted, must be screened from the*
23 *public byway and from residences. Staff shall approve the appropriate architectural*
24 *screening devices for the rooftop prior to release of the bond.*
25
26 15. *All walls on the property lines separating the project from the residential lots must be*
27 *eight feet in height and the same type of wall shown in the plans.*

28
29 *Commissioner Armstrong seconded the motion.*

30
31 Commissioner Rosevear pointed out that a conditional use permit is a permitted use with
32 conditions that can mitigate impacts. She appreciated the letters and comments received and
33 commended the applicants for initiating meetings with the homeowners.

34
35 (19:44:08) Commissioner Bowen addressed Mrs. Harwell's concern about the height of the wall.
36 Mr. Black stated that it could be stepped down from property line to property line.

37
38 *Commissioner Rosevear amended her motion to modify condition number 15 to read as*
39 *follows:*

- 40
41 15. *Fences adjacent to residential neighboring lots are as requested by neighbors but no*
42 *higher than eight feet.*
43

44 Commissioner Armstrong wanted to allow Mrs. Harwell and others the opportunity to change the
45 height of the fence going forward. He commended the developers for how they handled the
46 situation. He remarked that there was a lot of opposition to the project initially and the
47 developers complied and went out of their way to meet with the neighbors and do what was
48 necessary to pacify their concerns.

1
2 Mr. Black suggested changes to the motion.

3
4 *Commissioner Rosevear moved to amend the motion to modify the following:*

5
6 **15. Fences adjacent to residential neighboring lots are as requested by neighbors but no**
7 **higher than eight feet. The developer shall obtain signatures from individual property**
8 **owners as to their preferences with regard to the wall. Otherwise walls shall be six feet**
9 **in height.**

10
11 Commissioner Armstrong believed that if a neighbor does not specify a six or eight-foot wall, the
12 footage should go to the majority or standard.

13
14 *Commissioner Armstrong seconded the motion.*

15
16 Commissioner Rosevear clarified that the requirement would in no way allow a future owner of
17 property to request the developer change the height of the fence.

18
19 *Vote on motion: Amy Rosevear-Aye, JoAnn Frost-Aye, J. Thomas Bowen-Aye, Bradley*
20 *Jorgensen-Aye, Geoff Armstrong-Aye, Gordon Nicholl-Aye. The motion passed unanimously.*

21
22 (19:49:19) Chair Nicholl stated that he has served on the Planning Commission and with the
23 Cottonwood Heights Community Council for a significant period of time and viewed this
24 instance as a shining example of cooperation and teamwork where a developer is willing to go
25 the extra mile to meet and with the community and resolve concerns.

26
27 **3.2 The Planning Commission will hold a public hearing and receive comments on a**
28 **City-initiated General Plan Amendment on the west Highland Frontage Road from**
29 **6630 South 6850 South.**

30
31 (19:50:18) Mr. Black presented the staff report and stated that the issue involved the same
32 General Plan Amendment considered for more than six months. Staff studied various scenarios,
33 traffic patterns, and possible land uses for the area including the present zoning. The land use
34 map was displayed showing the current General Plan for the area and not the zoning. He noted
35 that in this situation the zoning and the General Plan are very similar. Mr. Black discussed the
36 alignment of the frontage road in the area north of LaCresta and identified the areas proposed to
37 be changed.

38
39 (19:55:22) City Engineer, Brad Gilson, stated that the intersection near the neighborhood is
40 problematic and is identified in the Capital Facilities Plan as an intersection that needs to be
41 addressed. The frontage road in conjunction with LaCresta, the traffic generated on the frontage
42 road making a left hand movement back onto 2000 East, and the traffic generated on 2000 East
43 makes the movement difficult. Mr. Gilson stated that staff has updated the timing plans, which
44 were last updated in the late 1990s, to allow the entire City to begin to operate more efficiently.
45 He explained that in the morning hours, commute times will be approximately 37% faster than
46 they are today and ultimately save motorists approximately 300,000 hours of sitting at stop
47 lights. He explained that this particular intersection is within its capacity based on the General

1 Plan. Staff evaluated how the intersection will operate both with and without the General Plan
2 Amendment.

3
4 In conjunction with realigning and retiming the intersection, staff found that the traffic
5 generation along the frontage road with the new office will be approximately 30 vehicles per
6 hour, or one car every four minutes. As far as the overall traffic generated, they were well within
7 capacity. With 42 feet of asphalt on the frontage road, staff's recommendation was to reduce the
8 amount of asphalt on the road and implement aggressive traffic calming measures to slow traffic.
9 Mr. Black stated that there is no reason for 42 feet of asphalt unless there are four lanes and
10 explained that there is an opportunity to add 15 to 20 feet of additional landscaping to the
11 existing landscaping and provide an attractive entry into the City.

12
13 (20:00:46) Mr. Black stated that the area shown in purple was suggested as a residential land use.
14 His initial recommendation was to increase the density to perhaps double what it is presently to
15 provide an opportunity for redevelopment, if desired. An area of Neighborhood Commercial
16 was recommended on a .85-acre piece of property. He felt it was appropriate to move the
17 property closer to Highland Drive and create a trade off to solve the traffic issue. It would also
18 provide a 60 to 70-foot buffer between the property and the adjacent residential neighborhood.

19
20 Mr. Black stated that a request was received from a property owner to the south to change the
21 General Plan to a commercial use to allow them to sell the property as commercial and develop
22 residential office. The proposal anticipates the same landscaped area, width, and amenities with
23 the street being narrowed. The land use would be changed on all of the properties that front the
24 frontage road to Residential Office. A street was proposed that does not allow the commercial
25 area access into the neighborhood. Access issues were discussed.

26
27 Mr. Black stated that the configuration of the street will remain the same as the ARC
28 recommendation, which was to change all of the homes fronting the frontage road to Residential
29 Office. He noted that staff and the ARC each made recommendations to the Commission who
30 will in turn make a recommendation to the City Council.

31
32 (20:06:30) Mr. Black stated that another proposal was to amend the Gateway Overlay Zone to
33 require new construction on the properties. To the dismay of most property owners, it was
34 discovered that the homes are difficult to retrofit and change to commercial uses. To encourage
35 redevelopment, staff proposed amending the Gateway Overlay Zone to include a minimum
36 requirement or square footage of buildings and require new construction.

37
38 Chair Nicholl opened the public hearing.

39
40 (20:09:32) Eric Montague stated that slowing down traffic on LaCresta, rather than Highland
41 Drive, was a more serious concern. He suggested LaCresta be narrowed to control traffic and
42 speed. He remarked that the majority of people that cut through the neighborhood do not live
43 there. He commented that landscaping is also of concern and stressed the importance of
44 maintaining it. His main concern was that many purchased property in the neighborhood years
45 earlier. He reported that his home was built in 1912 and predates all others in the area. For that
46 reason, he had an interest in making sure the proposed change reflects the true neighborhood. He
47 wanted to be sure to explore all possible options before proceeding.

1 (20:13:25) Rich Murphy gave his address as 6877 South 1950 East and stated that his home was
2 included in the proposals but not shown on the map. He commented that if a turnaround is made
3 on the frontage road he will be forced to go around to access his home. He questioned why he
4 and others on the south side of 6850 were included in the plan. He indicated that the homes
5 along 6850 on the south side were included on the map that was mailed out but not on the land
6 use being discussed. Chair Nicholl clarified that the map that was mailed was to consider
7 property. Mr. Black made his proposal, which was presented. Similarly, the ARC made their
8 proposal both of which were being discussed. Mr. Murphy asked how his property could be
9 changed to commercial since it is landlocked. Commissioner Bowen stated that when the study
10 began, the entire area was considered. Mr. Murphy's property would have been included
11 initially in what the area studied. The area had since been refined down. Mr. Murphy asked that
12 he not be prevented from accessing his home from the frontage road.

13
14 (20:16:14) Dennis VanDuren stated that he listened to the proposal on the traffic but did not
15 think it was practical. The issue was not what direction the traffic is going or the speed but
16 rather the amount of traffic. He stated that simply moving the street down 50 to 70 feet will not
17 reduce the number of cars traveling on the road. He believed that the new proposal for new
18 construction and bigger lots will create even more traffic congestion and suggested the area be
19 left as is. He stated that what is proposed will be met with a consolidated fight from the
20 neighborhood. He suggested the Commission give the situation serious thought.

21
22 (20:18:35) Eric Felt identified himself as the owner of property at 6800 South Highland Drive
23 and felt staff was trying to address the concerns of the neighbors. He thought what was proposed
24 would have the least amount of impact. To make no change would be unfair to those who live
25 on the frontage road because they are prevented from doing anything with their property. He
26 thought what was proposed will be attractive and allow for positive changes.

27
28 (20:19:50) Tatiana Senkouskaia gave her address as 6722 South Highland Drive. She stated that
29 she purchased the home from her mother because the street is very busy and her mother no
30 longer wanted to live there. She rents the home out and at least half of the tenants do not want to
31 live there because of the busy street. She thought there should be some kind of buffer between
32 Highland Drive and the neighborhood in the form of commercial development. She stated that
33 the heavy traffic makes it difficult for those who live on the street, particularly those with
34 children.

35
36 (20:21:05) Dan Kennelly commented that the corner where the commercial building exists was
37 granted a conditional use permit for an office but later changed. The proposed three-story
38 building was nice looking but will block the view of the house next door, which Mr. Kennelly
39 owns. He stated that LaCresta residents have expressed many concerns including speeding
40 without success. He remarked that the residents do not want commercial. He predicted that due
41 to the current economic climate, in six to nine months the property will be worth very little
42 because there will be an overabundance of commercial property.

43
44 (20:22:45) Phil Cook identified himself as a patient of Dr. Felt's and a commercial real estate
45 appraiser with 28 years' experience. He specializes in analyzing value impacts on real estate due
46 to structures and facilities being constructed next to property. For example, he has done a lot of
47 work on property that is impacted by high-power transmission lines, sewer plants, and highways.
48 When he saw the plan showing residential on the north and residential office on the south it

1 appeared to be very well thought out. He commented that there is a need in the market place for
2 buffer uses between high-traffic streets and residential areas and to him it made sense to have
3 residential office. In the years he has analyzed values he has found that residential property
4 located on major arterials suffers because of proximity. He noted that that has already been seen
5 in this case. He had never seen a negative value effect due to proximity to a residential use such
6 as a dentist's office. It was his opinion that retail will be a terrible mistake in the proposed
7 location because of traffic while residential office uses such as a dentist's office or small medical
8 office made sense.

9
10 (20:25:45) Betty Purdie, a Brookhill Drive resident, stated that her street will be impacted by
11 additional traffic because it serves as an outlet from the neighborhood. There was already
12 additional traffic due to backing on 2000 East. She heard nothing about potential impacts to the
13 rest of the neighborhood. As an Engineer, Ms. Purdie believed that moving part of the frontage
14 road made sense. There will still be a problem but the current situation will be improved. She
15 also noted that people turning left on 2000 East will create a serious safety issue, which did not
16 appear to have been addressed. Chair Nicholl indicated that the Commission is keenly aware
17 that there are serious traffic problems in the area. He noted that that is something Mr. Gilson
18 will spend a tremendous amount of time resolving. He stressed that traffic will be one of the
19 Commission's priorities.

20
21 (20:28:00) Mike Evans suggested a "no right turn on red" sign be posted for southbound traffic
22 on 2000 East turning into LaCresta to prevent blocking. He stated that the suggestion was
23 presented on a few previous occasions without success.

24
25 (20:29:40) Richard Parkin identified himself as a dentist who developed an office building 11
26 years earlier on Highland Drive and 4000 South. Today the neighbors behind his office building
27 appreciate having a professional office there because the use is quiet, well maintained, and
28 provides a buffer between their homes and Highland Drive.

29
30 (20:30:25) Will Felt gave his address as 1983 East 6850 South. He thought most of the concerns
31 raised pertained to how individual property owners will be affected as well as the neighborhood
32 as a whole. He thought it would be beneficial to require a third-party analysis of how the
33 neighborhood as a whole will be affected.

34
35 (20:31:23) Heather Stevens read a letter written by her husband who could not be in attendance.
36 She pointed out that the home being used as a dental office was purchased as a residence. She
37 noted that since Cottonwood Heights City incorporated, taxes have continued to rise in a down
38 economy. In her case her taxes increased by \$200 while her property value decreased by
39 \$80,000. She stated that such a trend cannot continue. She pointed out instances of what she
40 considered to be blatant wastes of taxpayer money such as replacing manhole covers and street
41 signs that did not need to be replaced. She also objected to the 40 new police officers hired and
42 patrol cars purchased in the City, which she viewed as unnecessary. She reported that that
43 increase alone cost more than what was paid previously for the sheriff's department alone for
44 one year. She hoped the Commission would consider the residents of the City and not just the
45 future tax revenue. She complained about increased traffic from a new business near her home
46 and stated that her previous requests for traffic studies were ignored. She hoped the
47 neighborhood would be left unchanged.

1 (20:34:15) Danette Kennelly gave her address as 6825 South Greendale Road and stated that last
2 time she attended a Commission Meeting there was discussion about changing the zoning. At
3 that time, there was an implied threat that all of the zoning would be changed. She considered it
4 to be a scare tactic. She stated that the area is zoned residential and she hoped to keep it that
5 way. She didn't want to have to attend meetings on a regular basis to make sure changes are not
6 made without the consent of the neighbors. Mrs. Kennelly was angry and upset that the zoning
7 issue was being addressed again and saw no reason to change it to allow more businesses when
8 there are vacant buildings. She suggested requests for commercial development be taken on a
9 case-by-case basis.

10
11 (20:37:05) Jeff Dickey gave his address as 6841 Brookhill Drive and stated that he drives the
12 subject intersection regularly and recognizes it is a problem. He questioned how doubling the
13 number of residences on the north end will improve the traffic situation. He also questioned the
14 gateway overlay since it seemed that all of the existing residences in the area will be required to
15 rebuild to meet the new standard. It was clarified that only redevelopment involving a change of
16 use will be required to meet the standard.

17
18 (20:39:10) Greg Wittwer gave his address as 1871 East Meadow Drive and asked about the area
19 shown in purple on the map. Mr. Black clarified that in staff's proposal the area is designated as
20 Neighborhood Commercial, which includes such uses as a small convenience store, office
21 building, or retail. He explained that it is a mixed-use zone that allows for residential growth.
22 Chair Nicholl clarified that that is what is proposed and not necessarily what will be approved.
23 He clarified that the Commission will make a recommendation to the City Council who will
24 make the final decision. Commissioner Bowen recognized there are differences of opinion and
25 this is just the first step in the process of gathering information. Mr. Black explained that it is a
26 master planning process and not a zoning process. The intent is to address future planning for
27 land use. Before any development can be accomplished in the area, a zone change will be
28 necessary and require a legislative decision by the City Council.

29
30 (20:42:55) Diane Sharp indicated that she owns property on both Highland Drive and LaCresta.
31 She acknowledged that several Highland Drive property owners were present that will be
32 affected by the proposed changes. He believed most were in favor of what was proposed by
33 staff.

34
35 (20:44:17) George Beverley gave his address as 6719 Village Road and stated that the property
36 shown in purple on the map abuts his backyard. He wanted to know how his property will be
37 affected. Commissioner Frost stated that the purpose of tonight's meeting is to gather public
38 input.

39
40 (20:46:39) Joyce Felt commented that she owns property with her husband at 6800 Highland
41 Drive. She read a letter from Tiffany Ryman of which a copy was provided to staff. Ms. Ryman
42 was the realtor who sold the property to the Felts. Her letter indicated that prior to the purchase,
43 several prospects inquired about it for business use only. Mrs. Felt clarified that they did not
44 purchase the property as a residence and always intended for it to be a dental office. She and her
45 husband wanted to appease the neighbors and make the community part of the planning process.
46 She explained that with regard to the Neighborhood Commercial zoning, all uses will be
47 conditional. Dr. Felt wanted to first address the two properties for which a zone change was

1 requested rather than address all of Highland Drive and 6850 South. He preferred properties be
2 dealt with individually.

3
4 (20:48:50) Steve Sharp stated that he already has a variance on his property. In addition, they
5 have a business license and could build an auto body or repair business on the site if desired. All
6 that would be needed would be a building permit from the City. He explained that property
7 would not be taken from Mr. Beverley for the road and would come out of their property. He
8 remarked that they would perhaps be giving up some of their property in exchange for the
9 commercial, as he was not sure he wants to rebuild and carry on the business he has. His belief
10 was that some of the alternatives are better than what exist. Mr. Sharp stated that his property is
11 vacant as is the house next door. Over the past five years the Sharps had had approximately 50
12 people approach them about purchasing the property for commercial. No one was interested in
13 buying it for residential. The house next door was up for sale but not sold. He commented that
14 homes in the area were built in the 1950s and many need to be torn down.

15
16 The public hearing was closed.

17
18 Chair Nicholl thanked those who spoke for their input, which he considered very important. He
19 stated that Mr. Gilson will be closely studying and resolving the traffic problems. The
20 Commission recognized other problems that need to be addressed. He explained that the issue
21 will be addressed again by the Commission at the next meeting at which time there will be more
22 discussion and ideas presented. There may also be decisions made on all or part of the project.
23 The intent tonight was to comply with the public hearing requirement. Those with concerns
24 were encouraged to contact City Council Members and submit comments in writing and via
25 email.

26
27 (20:53:25) Commissioner Bowen stated that within the City there are areas that were once choice
28 places to live, however, over the years there has been a transition particularly along Fort Union
29 Boulevard, 1300 East, and Highland Drive. The City is looking at the neighborhood in question
30 due to the various changes that have occurred. He stated that a proposal came in for a dental
31 office at which time Commissioner Bowen suggested the entire neighborhood be studied. One
32 of the requirements of the Planning Commission is to look at the big picture. He suggested those
33 with concerns follow the process and provide a factual basis of how they will be affected by a
34 particular proposal. He stressed that the Commission has not made a decision and is not in the
35 pocket of the developers. They are present as citizens of Cottonwood Heights trying to do the
36 best they can to solve what they perceive to be potential problems.

37
38 (20:58:44) Barbara VanDuren gave her address as 6661 Billings Road and asked if the
39 correspondence submitted will be available for public review. She stated that Greenfield Village
40 is alive and well and is not deteriorating as eluded to by Commissioner Bowen. She commented
41 that young families move into the neighborhood often and there are new homes being built in
42 place of old ones.

43
44 The Commission took a short recess.
45

1 **4. ACTION ITEMS**

2 **4.1 The Planning Commission will take action on a request by Dan Nixon for a**
3 **conditional use permit for a mixed-use development containing self-storage, office,**
4 **and retail uses. This property is located 6723 South 1300 East, Zoned MU.**

5
6 The above item was combined with agenda item 3.1.

7
8 **4.2 The Planning Commission will update their meeting schedule for 2009.**

9
10 (21:01:33) Mr. Black stated that the intent was to conduct one more meeting in March and one
11 meeting per month every month thereafter. Staff's suggestion was that one meeting be
12 scheduled each month and a second called if needed. Scheduling issues were discussed. The
13 consensus of the Commission was to proceed with a meeting in two weeks.

14
15 **5. DISCUSSION ITEMS**

16 **5.1 The Planning Commission will discuss an application for a text amendment to the**
17 **O-R-D Zone. The applicant, Steve Hopkins, is proposing to modify the maximum**
18 **allowed height for structures in the O-R-D Zone.**

19
20 (21:03:45) The applicant, Steve Hopkins, was present and introduced Project Architect, Peter
21 Brunjes, and Traffic Engineer, Joe Perrin. Mr. Hopkins stated that the last time they met with
22 the Commission the proposal was not clear to some. The project was described. He explained
23 that with regard to the parking structure, the intent of the roof was for use as a gathering place.
24 The developers believed the proposed location would be ideal for a tall building. He explained
25 that the company has been prudent with their finances and as a result, the parking structure will
26 be paid for in cash. The vacancy rate of the project is less than 2% and the demand is high.
27 Their intent is to spend money now and do their part to help the City's economy. The developers
28 felt strongly that now is a good time to develop since the building can be constructed for a more
29 reasonable cost.

30
31 Mr. Hopkins thought it made sense to construct additional stories for two reasons. First, the
32 architectural aspect is very appealing. He noted that the developer's intent is to have 12 stories.
33 Second, there appeared to be great demand for the property, which is very valuable.
34 Mr. Hopkins stated that the building will help the City compete for major tenants coming in from
35 out of state that tend to need large spaces. Mr. Hopkins commented that they had to turn away
36 several big tenants. He noted that the types of jobs that will be created will be of high quality.
37 In addition, the kinds of people and businesses being attracted to the area will benefit the
38 community.

39
40 (21:12:04) Mr. Hopkins stated that the tax base for the buildings will be substantial. He noted
41 that theirs is the only project in the area that has never taken a subsidy from the school district.
42 He indicated that they have been supportive of the new school district and the proposed building
43 at the current tax rate will generate approximately \$600,000 per year, 49% of which will go
44 directly to the school district. Over the expected 60-year life of the building, over \$100 million
45 will be generated. He indicated that their company contributes more than they take and all of the
46 buildings are owned by the Beckstrand family who intends to run them long after construction is
47 completed.

1 Chair Nicholl asked Mr. Hopkins to show how the proposed building height will compare with to
2 nearby structures. Mr. Brunjes prepared a graph showing the relationship of the proposed
3 building to its surroundings. Views of the building from various locations were shown. The
4 proposed building materials would be similar to the existing buildings and part of the fabric of
5 the campus and create a cohesive gateway for the community. Parking issues were discussed.
6 Mr. Hopkins stated that the parking proposed was sufficient for 12 stories. The existing campus
7 is very successful and if the proposed building does not work, it will cost the developers more
8 than the value of the one building. They will lose in terms of all of the surrounding buildings
9 they own. Mr. Hopkins stated that the proposed building will be large and visible but not ruin
10 the skyline or view.

11
12 Commissioner Frost stated that she served on the Community Council in the 1980s when the
13 residential office campus was developed. She stated that continuity has been maintained west of
14 3000 East and she did not want the developer to create problems for themselves by completely
15 changing the dynamic of the area unless the building serves as a landmark. Mr. Hopkins stated
16 that the City will have to trust that they can be successful. He urged the Commission Members
17 to look at what they have developed previously and noted that their tenants also demand
18 excellence.

19
20 (21:22:00) Commissioner Bowen stated that the City has to determine whether 12 stories makes
21 sense in the area. Mr. Hopkins indicated that because of the location of the property, the
22 proposed building makes sense. The developers have worked over the past few years and
23 decided that the right kinds of tenants demand buildings like the one proposed. Rather than have
24 several buildings that look the same, the developer thought a better approach was to build unique
25 structures. Because the project is a conditional use, they will have to show how it makes sense in
26 a given location and gives them the ability to compete with downtown Salt Lake City for
27 premiere tenants.

28
29 Commissioner Armstrong asked if nearby cities such as Sandy and Murray have a limit on the
30 number of stories. Mr. Hopkins recalled that Sandy City allows 25 stories. Chair Nicholl stated
31 that South Salt Lake allows 40 stories. Commissioner Armstrong asked if two six-story
32 buildings can be built for the same price as taller structures. Mr. Hopkins responded that it is
33 much less costly to build up. The proximity of residences to the proposed building was
34 determined to be close to one-half mile away. Commissioner Armstrong recalled that a previous
35 request was to move the building 15 feet closer to the off ramp, which was based on the building
36 being six stories high. He questioned whether the height should be reexamined if 12 stories are
37 approved. Mr. Black stated that setbacks will need to be reevaluated based on the number of
38 stories.

39
40 (21:29:20) Chair Nicholl was more concerned with the traffic than the height of the building.
41 Mr. Hopkins stated that with regard to traffic mitigation, the road constructed on the opposite
42 side of the freeway mitigates more traffic than the entire building will generate. In addition, it
43 won't work without the improvements at 3000 East and 6200 South. When the developers spoke
44 to the City Council, they wanted to help improve the intersection for the benefit of the existing
45 building. He explained that traffic issues in the area will be improved with or without the
46 proposed building. Mr. Hopkins reported that Wasatch Regional received \$1.9 million in federal
47 stimulus money to address traffic in the area.
48

1 Traffic Engineer, Joe Perrin, commented that there is a lot of office space in the area. They
2 know that from a transportation standpoint there is a peak hour where there is a rush of traffic
3 onto 3000 East. Most exit using 3000 East to 6200 South to enter the freeway. Millrock added a
4 new approach on Wasatch and improvements approved by UDOT were expected to be made this
5 spring and create dual left turns off of Millrock. Some of the concerns were whether the
6 additional traffic can be accommodated. During the peak hour, close to 160 additional vehicles
7 were anticipated as a result of the additional six-story building. It was mentioned that the AM
8 peak was not of concern. Mr. Hopkins stated that they donated the second lane around the
9 project so that there are no stops on the way in. As a result, the incoming traffic is not an issue.

10
11 Mr. Perrin stressed the importance of increasing capacity. He explained that Old Mill and
12 Beckstrand have developed a road running under I-215 to Holladay improving the traffic
13 situation. That mitigation provides more benefit to 3000 East and more capacity than what the
14 new building will generate. In working with Mr. Gilson, the developers discussed various ways
15 of improving 3000 East. They would look to fixing the 6200 South interchange to allow more
16 time for the westbound left. If they can get more cars through the interchange for the
17 southbound movement, UDOT will free up more time for the westbound movement, which will
18 improve the situation. It also allows them to open up the third northbound left. Mr. Perrin stated
19 that currently there is a third northbound left on 3000 East that is striped but not yet opened up
20 because there is nowhere for the third lane to go. He commented that turning three lanes into
21 two is frowned upon and considered poor traffic engineering. What is needed is more capacity
22 for the east and northbound movements.

23
24 (21:39:15) Proposed improvements in the area were discussed. Mr. Hopkins explained that what
25 was proposed will result in a 50% increase in capacity for the entire area and eliminate traffic
26 stacking. Commissioner Rosevear asked where ORDs and 12-story buildings will be allowed.
27 Mr. Black stated that if 12-story buildings are considered, they should be limited to the proposed
28 location. He suggested an overlay be created and the application modified. Commissioner
29 Rosevear was not in favor of the proposed building as a conditional use. She was concerned,
30 however, about allowing 12-story buildings throughout the City. Mr. Black stated that it could
31 be limited to the proposed area and dealt with as an overlay.

32
33 **5.2 The Planning Commission will continue discussion on a staff proposal to commence**
34 **a City-initiated zone change from MU (Mixed Use) to R-1-6 (Single-Family**
35 **Residential) or R-2-8 (Duel Residential Family). This property is located at 7350**
36 **South Wasatch Blvd. and is also known as Lot 2 of the Wasatch Gates Minor**
37 **Subdivision.**

38
39 The above item was not addressed.

40
41 **6. PLANNING DIRECTOR'S REPORT**

42
43 (21:52:11) Mr. Black remarked on agenda item 3.2 and stated that the issue was divisive with
44 individuals both for and against the proposed change. Staff was aware of the traffic problem on
45 LaCresta and Mr. Black wished traffic-calming devices were proposed in the plan; however, they
46 were focused more on the land use. Problems with speeding on LaCresta were discussed where
47 it was noted that the average vehicle travels seven miles over the speed limit. Traffic was
48 determined to be the overriding concern of area residents.

1
2 **7. APPROVAL OF MINUTES**

3 **7.1 February 4, 2009**

4
5 (21:56:25) *Commissioner Bowen moved to approve the minutes of February 4, 2009.*
6 *Commissioner Rosevear seconded the motion. Vote on motion: Geoff Armstrong-Aye, J.*
7 *Thomas Bowen-Aye, JoAnn Frost-Aye, Bradley Jorgensen-Aye, Amy Rosevear-Aye, Gordon*
8 *Nicholl-Aye. The motion passed unanimously.*

9
10 **8. ADJOURNMENT**

11
12 (21:56:29) *Commissioner Bowen moved to adjourn. Commissioner Rosevear seconded the*
13 *motion. Vote on motion: Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn Frost-Aye,*
14 *Bradley Jorgensen-Aye, Amy Rosevear-Aye, Gordon Nicholl-Aye. The motion passed*
15 *unanimously.*

16
17 The Planning Commission Meeting adjourned at 9:56 p.m.

DRAFT

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, March 4, 2009.*
3
4
5

6 
7
8

9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary
12
13

14 Minutes approved:

DRAFT

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, March 18, 2009**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**

9
10 **ATTENDANCE**

11
12 **Planning Commission Members:**

13
14 Doug Haymore, Vice Chair
15 Geoff Armstrong
16 Perry Bolyard
17 J. Thomas Bowen
18 JoAnn Frost
19 Bradley Jorgensen
20 Jim Keane

11
12 **City Staff:**

13
14 Michael Black, Planning Director
15 Morgan Brim, Planning Technician
16 Brad Gilson, City Engineer

21
22 **BUSINESS MEETING**

23
24 **1. WELCOME/ACKNOWLEDGEMENTS**

25
26 Vice Chair Doug Haymore called the meeting to order at 7:05 p.m. Procedural issues were
27 reviewed.

28
29 **2. CITIZEN COMMENTS**

30
31 There were no citizen comments.

32
33 **3. PUBLIC HEARINGS**

34 **3.1 The Planning Commission will hold a public hearing and receive comments on an**
35 **application to amend the Zoning Map. The applicant, Rodney A. Newman, is**
36 **proposing to change the zoning designation of one parcel from RR-1-43 (Rural**
37 **Residential) to RR-1-29 (Rural Residential). This property is located at 1726 East**
38 **Siesta Drive and is 1.65 acres.**

39
40 (19:09:30) Planning Technician, Morgan Brim, presented the staff report and identified the
41 subject parcel on the map displayed. He reported that the Planning Commission heard a similar
42 proposal in 2007 for both lots. The request at that time was for RR-1-21, which is a rural
43 residential zone with a one-half acre minimum. The current proposal comprised one lot for RR-
44 1-29, which allows a two-third acre minimum. The property changed ownership and Rodney A.
45 Newman was identified as the applicant. Mr. Brim noted that there was some discrepancy with
46 regard to lot size; however, both would allow what is proposed. Staff recommended denial of
47 the proposal based on the fact that the surrounding land uses are rural residential with a

1 minimum lot size of one acre. Staff did not believe what was proposed will fit in with the
2 character of the existing neighborhood.

3
4 The applicant, Mr. Newman, gave his address as 1739 East Siesta Drive. He stated that
5 previously he expressed opposition to a project across the street calling for five one-half acre
6 lots. He indicated that his intent in purchasing the property was to improve the neighborhood.
7 He stated that on two different occasions, he appeared before the Commission complaining about
8 the condition of the property. It was blighted, drugs were being sold out of it, loud parties were
9 taking place, and there were dead cats in the garage. What has taken place on the property over
10 the past four years has aggravated the situation in the neighborhood. He commented that
11 originally there was one buyer who wanted to purchase the entire piece. The existing home on
12 the site is of no value and needs to be torn down. Because of the economic situation, there is no
13 demand for a 1.65-acre parcel. Mr. Newman's intent was to develop two nice lots. The only
14 way to accomplish this is to split it into two lots.

15
16 (19:18:00) Howard Norton gave his address as 7674 Caballero Drive and stated that he
17 appreciated Mr. Newman purchasing the property since it eliminated a problem that existed. He
18 stated that the County allows properties that are more than twice the size of the existing zoning
19 to split the property in two without rezoning. He asked if the City allowed something similar.
20 Commissioner Bowen was unsure Mr. Norton's description was accurate. Mr. Norton stated that
21 something similar had taken place in the neighborhood before. Commissioner Bowen indicated
22 that an applicant would have to go through the subdivision process in order to do that.
23 Mr. Norton understood that but did not want to see the property rezoned just because it is setting
24 a precedent. He wanted to determine whether a similar rule exists in Cottonwood Heights. It
25 was clarified that Mr. Norton was not opposed necessarily to the proposed action, but to the
26 precedent the action might set.

27
28 (19:20:33) Sue Reiser gave her address as 7569 Brookbend Lane and believed the request was
29 not about whether two lots are appropriate on the property. Given the situation, many of the
30 neighbors are not opposed to two homes on the site. The determination was whether a zoning
31 change is appropriate. She stated that similar requests on the property were denied in 2007 and
32 in 2006. Ms. Reiser explained that the property is part of Caballero Estates, which has restrictive
33 covenants that prohibit subdividing property into smaller than one-acre lots. The residents had
34 always felt that the Planning Commission should uphold the rights of those who own property in
35 the area. The restrictive covenants have also prohibited others from buying up one-acre parcels
36 and developing them as two lots. She recommended the proposal be denied at this time and
37 possibly allow Mr. Newman to submit a subdivision plan with a zoning change tied to it.

38
39 (19:24:20) Andrew Day identified himself as the developer of Pheasant Wood Estates. He
40 reported that in 1990, he purchased 22 acres where the project was developed. The lots in
41 Caballero Estates had to be exactly 43,560 square feet. His understanding was that the property
42 went up for auction at which time the primary lender was owed \$505,000. He was not aware that
43 the property was going up for auction or he would have bid on it. He was told that the property
44 was sold for \$550,000 to Mr. Newman at which time he immediately listed it for \$880,000.
45 Mr. Newman found himself in a situation where he could not sell the property and is now
46 looking to divide it and sell it. Mr. Day reported that he owns more than two acres and if he had
47 purchased it he could have created two actual lots. He added that Salt Lake County has a 90%

1 rule allowing someone with enough property to create two .9-acre lots to split it. Mr. Day stated
2 that he could have accomplished that if he had purchased it. He indicated that if Mr. Newman's
3 request is granted, there are others in the neighborhood that will make similar requests. He
4 stated that the present zoning has been in force for over 40 years and he saw no reason to change
5 it now simply because Mr. Newman cannot sell his property. Mr. Day offered to buy the
6 property from Mr. Newman for the price he paid for it.

7
8 There were no further public comments. The public hearing was closed.
9

10 **3.2 The Planning Commission will hold a public hearing and receive comments on an**
11 **application to amend a conditional use permit for the St. Thomas More Catholic**
12 **Church, located at 3015 East Creek Road. The applicant, David Fitzsimmons, is**
13 **proposing to add a gymnasium, office space and classrooms to the existing church**
14 **and school.**
15

16 (19:31:09) Mr. Brim presented the staff report and stated that the total area of the project is 7.36
17 acres. The request was an amendment to an existing conditional use. He noted that churches are
18 a conditional use in the R-1-8 Zone. Mr. Brim reported that the surrounding land uses are single-
19 family residential. To the west, there is an LDS Church that is also in the R-1-8 Zone. A map of
20 the area was displayed and the subject property was identified. The applicants purchased
21 additional property and were proposing to add a gymnasium/multi-purpose building to the west
22 of the existing structure. Mr. Brim stated that at one time the parcel was an approved PUD
23 subdivision. He noted that the applicants proposed moving the access point further to the west.
24 In order to maintain an open area between the two properties the applicant planned to preserve an
25 existing grove of trees and remove an existing fence on the property.
26

27 Mr. Brim stated that the proposed building will be 22,814 square feet. In the zone the restriction
28 for building coverage is 50%. The existing building is 29,000 square feet with a combined total
29 between the two of 52,012 square feet or 15.8% of the combined lots, which is well under the
30 maximum coverage allowed. The applicant proposed 120,000 square feet of impervious surfaces
31 or 36.9% of the total lot including driveways, sidewalks, and building coverage. The proposed
32 building elevations were presented showing the architecture. Mr. Brim stated that the materials
33 used will be CMU split-face and metal slat roofing. The Architectural Review Commission
34 reviewed the project and made one recommendation. In addition, staff recommended the
35 applicants enhance the landscaping along the wall.
36

37 Mr. Brim stated that staff recommended a pedestrian walking route from the existing northern
38 parking lot that will connect into the sidewalk for the existing facility and the proposed
39 gymnasium. A second route was recommended east of the proposed driveway. He remarked
40 that the City was willing to partnership with the applicants up to 60% and noted that the new
41 crossing could also serve to mitigate traffic. Traffic along this portion of Creek Road travels at
42 high speeds and placing the crossing at the proposed location along with an island will help
43 reduce the width of the road and provide a safer way for pedestrians to cross.
44

45 (19:39:45) Bob Meyer gave his address as 120 Alta View Way and indicated that he is Chairman
46 of the Building Committee. He stated that a lot of work was put into the design in an effort to
47 make it consistent with the neighborhood.

1
2 David Fitzsimmons identified himself as one of the building architects. He stated that the
3 proposed building will be an education center but not a school and as a result, they will not
4 generate pressures on the site that a school might. The intent was for the addition to serve the
5 existing population. The Commission was encouraged to move the issue ahead at the next
6 meeting if possible as the applicants intended to submit a building permit application as soon as
7 possible.

8
9 There were no further public comments. The public hearing was closed.

10
11 The matter was to be scheduled for action at the next meeting.

12
13 **3.3 The Planning Commission will hold a public hearing and receive comments on an**
14 **application for an ordinance amendment. The applicant, Steve Hopkins, is**
15 **proposing to add an overlay zone at the Old Mill Corporate Center to allow for a**
16 **maximum building height of twelve stories.**

17
18 (19:42:40) Mr. Black presented the staff report and displayed an elevation view of the project
19 area. The request was for an ordinance amendment to allow up to 12 stories in the ORD Zone
20 and more specifically at the Old Mill Campus on the corner of 3000 East 6200 South. The
21 applicant was identified as Steve Hopkins of Beckstrand and Associates. Mr. Black clarified that
22 the request is site specific with the request including just the Old Mill Campus and the footprint
23 of the building previously approved for six stories. Staff believed that a 12-story building in the
24 area proposed would have the least aesthetic impact. A view was shown in relation to the height
25 of buildings that exist and other surrounding uses.

26
27 Staff recommended the Commission consider the proposal and other options in place to regulate
28 the height of buildings. Mr. Black suggested the development of an incentive zoning ordinance
29 to be added to the ORD Zone that would give the City an incentive to add floor area to buildings
30 in commercial developments as a trade off for public improvements. He noted that traffic was
31 being addressed in the form of a federal grant. City Engineer, Brad Gilson, was in the process of
32 getting the project underway at 3000 East and 6200 South where the road capacity, intersection,
33 on ramps, and off ramps will be increased dramatically. Other projects that could be
34 accomplished with the help of the developer to justify the height increase might include gateway
35 features, increased trail systems, or other public facilities. Mr. Black suggested the Commission
36 consider creating an addition to the existing ordinance to allow increased height and specify a
37 general area where floor area ratios can be increased and allow the developer to justify what he is
38 requesting.

39
40 (19:52:11) Steve Hopkins, President of Beckstrand & Associates, indicated that they run the Old
41 Mill Corporate Center. Stan Davis, Project Architect-Peter Brunjes, and Traffic Engineer-Joe
42 Perrin were also introduced. Mr. Hopkins stated that theirs is the only project in the area that has
43 not received RDA funds. Mr. Hopkins was of the belief that projects like theirs need to stand on
44 their own and that the value of the funds to schoolchildren is far more important than the value to
45 businesses. He estimated that the building will generate about \$600,000 in property tax revenue
46 annually, 49.2% of which will go to schools. Over a 60-year life, assuming tax rates remain the
47 same, they will pay about \$200 million in property taxes with \$100 million going to schools.

1
2 (19:55:33) Mr. Hopkins stated that the area will generate very good jobs for the City. The
3 building will include 1.4 million square-foot of office space and roughly 7,000 jobs. Including
4 Jet Blue, who runs their reservation operations from the building but has numerous employees
5 who work from home, it is an even bigger number. The companies looking for their product are
6 first class. Mr. Hopkins stated that the existing campus is very successful and if they make a
7 mistake on the proposed building, they lose more than anyone else since the value of their
8 neighboring buildings will suffer. He stated that the Beckstrand family owns all of the buildings,
9 which is one of the reasons they have hired the very best experts. Mr. Hopkins stressed the
10 importance of the proposed building not being just a landmark but something the City can be
11 proud of. They were committed to building a LEED certified building and were optimistic that it
12 will be a gold or platinum level.

13
14 Mr. Hopkins commented on height and stated that the location of the building lends itself very
15 well to height. The location geographically is low and its location next to the freeway is good in
16 terms of height and traffic. He noted that traffic leaving the project will go directly to the
17 freeway and not through residential neighborhoods. Other cities have recognized the benefit of
18 building taller buildings. With regard to traffic, Mr. Hopkins emphasized that there is not a
19 problem with morning traffic in the area because they gave property to create an additional
20 inside lane of traffic on 3000 East. That was done to ensure that traffic coming into the area
21 flows freely without stopping. Without being required to do so, the developers fought to keep
22 the exit road behind the Tuscany restaurant. Mr. Hopkins pointed out that it takes as much
23 traffic off of 3000 East as the proposed building will generate.

24
25 (20:04:05) Mr. Perrin stated that they studied the traffic and stated that there is already some
26 congestion that occurs for approximately 30 minutes during the p.m. peak. Their goal was to
27 improve that. There was some question as to how the additional traffic can be accommodated.
28 Mr. Perrin stated that 250,000 square feet of office space generates an estimated 435 trips in the
29 morning and 375 in the evening. Most traffic in the 3000 East area gets back on the freeway to
30 go north or west on I-215. Mr. Perrin measured traffic on several different days and found that
31 typically backing occurs a maximum of 25 minutes. He explained that the reason for the backing
32 on 3000 East is due to numerous cars trying to get out at a certain time. Also, UDOT has made a
33 conscious decision to try to minimize backing onto the freeway. The intent was to create more
34 capacity. Mr. Perrin stated that currently 3000 East has a third left turn lane, however, 6200
35 South does not. It was necessary to improve 6200 South in order to open up the third lane.

36
37 Mr. Perrin identified the office buildings projected along the corridor and stated that already
38 there are traffic problems during certain times. Any new development will only add to the
39 existing failure. What is needed is an increase in capacity in order to eliminate congestion.
40 Mr. Perrin commented that technically Beckstrand has mitigated their impact in the form of the
41 additional lane on 3000 East. To fix the 6200 South interchange it was necessary to allow more
42 time for the westbound left turn onto the freeway. The only way to do that is to have more
43 capacity coming off the freeway. They also need more storage on 6200 South. By making
44 interchange improvements being worked on by Mr. Gilson, they will be able to open up the third
45 northbound left turn lane on 3000 East. That will create more capacity for 3000 East, 6200
46 South, and the freeway interchange. Traffic circulation issues were discussed.

1 (20:11:20) Mr. Perrin reported that at some point there will be a new eastern approach to the
2 Cottonwood Corporate Center to service the Forest Service Building and the UDOT parcel.
3 Currently there were no planned improvements since there have already been upgrades to the
4 dual left turns coming out of the Beckstrand signal. Timing issues were discussed. Mr. Perrin
5 expected the work to be completed by the summer of 2011. Traffic circulation patterns were
6 described.

7
8 Commissioner Armstrong asked about the Holladay Boulevard access issue. Mr. Hopkins
9 described the legal issues and stated that in resolving the issue with the City of Holladay they
10 agreed to build a separate road at their cost around the outside of the project and restrict the
11 access by putting up a gate. He stated that they entered into an agreement with the City of
12 Holladay but would be willing to look at other options to improve the situation.

13
14 (20:21:45) Mike Evans contested one comment made by Mr. Hopkins about the Forest Service.
15 He stated that there will not be two Forest Service buildings if they build on the UDOT site.
16 Mr. Hopkins understood that but stated that they own property on the corner as well. He
17 assumed there would be another building there. With regard to the traffic situation on 3000 East,
18 Mr. Evans stated that there is backing for about four hours each day. He commented that it often
19 takes him one hour to get from 3000 East onto I-215. He stated that adding additional office
20 space will impact traffic that much more. Adding six more floors to the proposed building will
21 devastate traffic in the area.

22
23 (20:23:45) Robert Plant gave his address as 3179 Walker Mill Drive and stated that he lives
24 within one-half mile of the proposed building. He agreed with Mr. Evans' comment about traffic
25 and stated that there are problems for approximately three hours each day. He drives the area
26 daily and stated that the proposed building will greatly impact everyone who lives in his
27 neighborhood. He contested Mr. Hopkins' comment that a failure will impact the developers the
28 most and stated that everyone in the neighborhood will suffer by living next to a failed industrial
29 park. He commented that a six-story building was approved and the only reason for enlarging it
30 was due to greed. Because the cost of property is so high the developers simply want to build
31 higher in order to benefit from greater profits. He and his neighbors do not want to deal with the
32 negative impacts that the project will create in their day-to-day lives.

33
34 (20:25:49) Danette Kennelly stated that she has worked in the same location on Holladay
35 Boulevard for 25 years. She remarked that workers in the Cottonwood Corporate Center don't
36 stay there all day. Many travel down Holladay Boulevard to cut through and find a shortcut.
37 The speed limit is 30 miles per hour through the commercial area and 40 mph further down in
38 the residential neighborhood. In theory, all of the traffic gets on the freeway and no one is
39 affected, however, that is not the reality. She was glad that the City of Holladay stood their
40 ground since they have already experienced the effect of the traffic overflow. Mrs. Kennelly
41 expressed opposition to the proposal.

42
43 (20:27:33) Eric Montague had questions about the project. He asked about fire mitigation and
44 lunch hour traffic. Mr. Black made it clear that Mr. Perrin works for the developer and the
45 improvements discussed are things that will happen this year that are not necessarily linked to
46 this project.

1 There were no further public comments. The public hearing was closed.

2
3 **4. ACTION ITEMS**

4 **4.1 The Planning Commission will take action on an application by Eric Felt and the**
5 **City for a General Plan Amendment on the West Highland Frontage Road between**
6 **LaCresta Drive and 6850 South. The proposal is to change the land use designation**
7 **to Residential Office.**
8

9 (20:30:15) Commissioner Haymore clarified that the matter was discussed previously and no
10 public comment would be allowed tonight.
11

12 Mr. Black reported that at the last meeting a presentation was made on all of the frontage
13 properties on the West Highland Drive frontage road. He clarified that the properties proposed
14 for action include five lots on the Highland frontage south of LaCresta. The proposal was to
15 make a recommendation to the City Council for a land use change in the General Plan to
16 Residential Office from Single-Family Residential.
17

18 (20:31:45) *Commissioner Bowen moved to continue the above matter for two weeks.*
19 *Commissioner Keane seconded the motion.*
20

21 Commissioner Bowen thought there was still unfinished business from LaCresta going north. He
22 wanted to have a better picture of what is going on in the entire area. How the traffic on
23 LaCresta will be handled was one issue that he thought should be resolved. He realized there is a
24 difference of opinion as to whether it should be residential or office north of LaCresta. He
25 thought that issue needed to be resolved as well. He commented that there had been discussion
26 about adopting some kind of overlay zone since it involves the gateway, which will require new
27 construction. That was not yet in place so he was not comfortable moving the application
28 forward at this time.
29

30 Commissioner Frost did not feel as strongly and felt she had received enough information to
31 make a recommendation tonight. She commented that only four properties were being
32 considered and one is already operating as a residential office use.
33

34 Commissioner Bowen thought the City should put in place the requirement to ensure that there is
35 new construction. The Commission should also decide how to handle the northern portion and
36 LaCresta. It seemed to him that whatever happens on the northwest corner of LaCresta will have
37 a significant impact on how the traffic is handled. Mr. Black stated that he could have a draft
38 ready for review on the Code Amendment. His problem was with meeting the required public
39 hearing noticing requirements. He could, however, have a draft document ready and a public
40 hearing scheduled two meetings from tonight.
41

42 In response to a question raised by Commissioner Frost, Mr. Black stated that the new
43 construction language would not have to be in place to propose a General Plan Amendment. He
44 explained that the decision would involve a legislative change. The Commission would make a
45 recommendation to the City Council who will make the final decision. Mr. Black stated that his
46 suggestion in the staff report was to have the ordinance language adopted before any zone
47 changes are made along the street. Mr. Black thought the ordinance could be addressed before a

1 zone change is done and would accomplish what Commissioner Bowen was proposing. In
2 addition, staff was recommending two different land uses between the area south of LaCresta
3 and north of LaCresta. Currently they were looking to recommend the area north of LaCresta
4 remain residential and the area south of LaCresta as residential office. The traffic issues studied
5 mainly pertain to the area north of LaCresta. Mr. Black asked that the Commission make a
6 recommendation tonight knowing that there is still work to do with regard to zoning and
7 ordinance amendments. He hoped the Commission could reach a level of comfort that all of
8 those items can be in place before any zoning is approved. He pointed out that even if the land
9 use is approved, a zone change never has to be finalized.

10
11 (20:38:25) Commissioner Frost did not mind postponing a decision for two weeks but liked the
12 idea of separating the two parcels. She was confident that the parcel on the north has its own
13 issues. Commissioner Bowen remarked that when the matter was first presented, the
14 Commission requested that staff prepare a master plan for the west side of Highland Drive to
15 include all of the property both north and south of the road. He personally thought it was unwise
16 to split the two. Mr. Black stated that since the first meeting staff has looked at all of the parcels
17 together and are accounting for the parcels north of LaCresta with the recommendation made
18 addressing the parcel south of LaCresta. He did not think they were necessarily splitting them
19 up. He stated that staff has considered all of the master planning they want to do in the area and
20 determined that it will not be affected by the proposed change now. He believed staff was
21 accounting for everything they have done in the recommendation.

22
23 *Vote on motion: Bradley Jorgensen-Aye, JoAnn Frost-Aye, J. Thomas Bowen-Aye, Perry*
24 *Bolyard, Geoff-Armstrong-Aye, Jim Keane-Aye, Doug Haymore-Aye. The motion passed*
25 *unanimously.*

26
27 (20:41:24) Mr. Black stated that he would be prepared with a draft ordinance at the next meeting
28 including the items discussed previously along with a revised master plan for the area.

29
30 Concerned and vocal citizens were present who were upset that their voices were not being
31 heard. Commissioner Haymore invited one woman to raise her concerns with the City Council
32 and stated that there have been plenty of opportunities for public input. The woman pointed out
33 that there had been opposition expressed at the last two meetings and she questioned whether the
34 citizens were really being represented. Commissioner Haymore reminded her that no decision
35 had been made. He commented that more public hearings have been conducted on this item than
36 normal and now was not the time to comment. He indicated that the item would be discussed
37 again at the next meeting. At that time, however, there will be no public comment as the public
38 hearing was closed. Commissioner Haymore asked the woman to leave civilly or risk being
39 escorted out. He stated that the matter was noticed and heard with the public given the
40 opportunity to present pros and cons. The item was now back to drafting from staff and will
41 come for a recommendation by the Planning Commission to the City Council who will make the
42 final decision.

43
44 **5. DISCUSSION ITEMS**

45 **There are no discussion items on the agenda.**

1 **6. PLANNING DIRECTOR'S REPORT.**

2
3 (20:45:45) There was no Planning Director's Report.

4
5 Commissioner Bowen asked that staff put two items on the next agenda. The first pertained to
6 the left turn out of Paradise and the second involved strobe lights. He remarked that apparently
7 the ordinance does not prohibit strobe lights. Mr. Black stated that the issue was turned over to
8 the City's Code Enforcement Officers who were asked to approach the property manager and ask
9 him to remove the strobe lights. Commissioner Bowen thought there was a bigger issue in that if
10 there isn't a provision in the Code, the Commission ought to be working on it. He stated the
11 existing lights are fairly innocuous in their present location; however, the precedent they were
12 setting could be disastrous. Mr. Black stated that the first time the matter was discussed among
13 the Commission, he was given no direction to amend any ordinances to make them illegal.
14 Commissioner Bowen suggested the matter be addressed in some manner. He also suggested
15 that one of the conditions of the shopping center approval was that there not be a left turn out,
16 which has habitually been violated. Mr. Black thought this was an example of how no left turn
17 restrictions are ineffective. He stated that one option was for the City to install a concrete barrier
18 on Fort Union so that there can be no left turn. He indicated that the developer has complied
19 with signage and installation of infrastructure to discourage left turns but motorists don't comply.
20 City Engineer, Brad Gilson, stated that they were waiting currently on funding from UDOT.

21
22 Commissioner Haymore suggested that Commissioner Bowen request that Chair Nicholl put the
23 matter on the agenda in the appropriate fashion. Commissioner Bowen's intent was to take
24 action and expressed concern that a death will result.

25
26 **7. APPROVAL OF MINUTES**

27 **7.1 March 4, 2009**

28
29 The above matter was not discussed.

30
31 **8. ADJOURNMENT.**

32
33 (20:50:20) *The Planning Commission Meeting adjourned with the unanimous consent of the*
34 *Commission.*

35
36 The Planning Commission Meeting adjourned at 8:50 p.m.

1 I hereby certify that the foregoing represents a true, accurate and complete record of the
2 Cottonwood Heights City Planning Commission Meeting held Wednesday, March 18, 2009.
3
4

5
6 
7

8
9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary
12

13
14 Minutes approved:

DRAFT